

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75633 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- KASHICHAK District- Nawada

Chandan Singh @ Chandan Kumar Son of Binod Singh Resident of Village-
Madhepur, P.S. - Kashichak, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present Cr. Misc. Application No. 75633 of 2024 has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Kashichak P.S. Case No. 116 of 2024 dated 29.07.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. Total recovery of 362.88 litres of foreign liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that the recovery of alleged foreign liquor has been made from the house of co-accused and against the petitioner, there is allegation that he has been seen at the place of occurrence but not been apprehended. Counsel further submits that the name of the petitioner has come in this case only by virtue of the statement of the informer and no recovery has been made from the petitioner's possession. Counsel submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him which is of year 2018 and due to this reason, petitioner's name has been inserted in this case also. Counsel further submits that petitioner is ready to fulfil all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the record, it transpires that neither recovery of alleged foreign liquor has been made from the petitioner's possession nor he was apprehended from the place of occurrence.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on



furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Court Excise-2, Nawada, in connection with Kashichak P.S. Case No. 116 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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