

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79637 of 2024

Arising Out of PS. Case No.-1585 Year-2024 Thana- Excise P.S. District- Muzaffarpur

1. Dharmendra Rai S/O Kishori ray R/O vill- Pattiyasa, P.S- Ahiyapur, Dist- Muzaffarpur
2. Pawan Kumar S/O- Prakash Ray R/O vill- Pattiyasa, P.S- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Criminal Miscellaneous Application 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 petitioners who apprehend their arrest in connection with Muzaffarpur Excise (UTPAD Thana) P.S. Case No. 1585 of 2024 lodged on 03.09.2024, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners.



Total recovery of 241.920 litres of foreign liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioners have been falsely implicated in this case and the alleged foreign liquor has been recovered from the bush (*jhari*). Counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioners. Counsel further submits that the criminal antecedent of the petitioner no.2 is clean, but so far as petitioner no.1 is concerned, his criminal antecedent is not clean as there are three criminal cases pending against him and in all cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the criminal antecedent of petitioner no.1 is not clean as there are three criminal cases pending against him, but criminal antecedent of petitioner no.2 is clean.

6. As such, in the present facts and circumstances of this case, let the above named petitioner no.2 namely, Pawan Kumar 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 Judge, Court Excise-II, Muzaffarpur in connection with Muzaffarpur Excise (UTPAD Thana) P.S. Case No. 1585 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the case of petitioner no.1 namely, Dharmendra Rai is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of petitioner no.1 namely, Dharmendra Rai is hereby rejected.

(Dr. Anshuman, J)

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