

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7247 of 2025

Arising Out of PS. Case No.-1709 Year-2024 Thana- Excise P.S. District- East Champaran

Niraj Kumar S/O Ash Narayan Prasad Resident of village- Mohaddipur
Raipur, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : **Mr. Arun Kumar Singh, APP**

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-02-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present Cr. Misc. Application No. 7247 of 2025 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 Excise P.S. Case No. 1709 of 2024 dated 07.10.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, total 90 litres of illicit Nepali liquor were recovered from two unidentified motorcycles. A case has been registered against the owners of the said motorcycles from which the illicit liquor was



recovered.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the petitioner is not the owner of the said vehicles and nothing has been recovered from the petitioner's possession. Counsel also submits that the petitioner has no concern with the alleged recovery. Furthermore, Counsel submits that the criminal antecedents of the petitioner are not clean, with one criminal case pending against him, and that only due to this reason the petitioner has been made accused in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and fairly submits that the petitioner is not named in the FIR, and that the recovery was made from two unidentified motorcycles. According to the pleadings of the petitioner, he is not owner of the said vehicles.

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 Trial Court within a period of 4 weeks from today, as well as on being satisfied by the trial court that the petitioner is not absconding in Excise P.S. Case No. 1690 of 2024, 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 Excise Court, No. 2, Motihari, East Champaran, in connection with Excise P.S. Case No. 1709 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023 as well as with a condition that the petitioner shall appear before the concerned police station every two months for one year to mark attendance.

(Dr. Anshuman, J.)

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