

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7234 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- HATHAURI District- Muzaffarpur

1. Ashok Singh @ Ashok Kumar son of Bishundeo Singh village- Rape Rupe, Ps- Garhan, Dist- Muzaffarpur
2. Alok Sahni @ Alok Kumar Sahni son of Late Bhagwat Sahni village- Kakracha, Ps- Bochahan, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-02-2025 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 Hathauri P.S. Case No. 145 of 2024 lodged on 12.08.2024, for the offences punishable under Sections 274, 275 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, FIR has been lodged against



the present petitioners with allegation that there is recovery of 17 liter of wine along with articles for preparation of desi wine have been made, which is subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that due to village politics, the police in connivance with the enemy of the petitioners, has apprehended the entire material and petitioners were made accused.

5. Counsel submits that the criminal antecedent of the petitioners are clean and ready to fulfill all the conditions whatsoever shall be imposed upon them.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the alleged recovery has been made at the house of petitioner No.2, namely, Alok Sahni.

7. As such, in the present facts and circumstances of this case, let the above named petitioner No.1, namely, Ashok Singh 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, Excise-III, Muzaffarpur, in connection with Hathauri P.S. Case



No. 145 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. So far as the petitioner No.2, namely, Alok Sahni, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.2, therefore the bail application of the petitioner No.2 is hereby rejected.

(Dr. Anshuman, J.)

Prakashmani/-

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