

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7266 of 2025**

Arising Out of PS. Case No.-438 Year-2024 Thana- LAURIA District- West Champaran

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Raju Sah Son of Bigu Sah Resident of Village - Malahi Tola, P.S.- Lauriya,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, A.P.P.

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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 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 his arrest in connection with Lauriya P.S. Case No. 438 of 2024 lodged on 26.12.2024, for the offences punishable under Sections 317(2), 317(5), 338, 336(3) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023") read with section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Total recovery of 5.2 litres of illicit liquor has



been made along with one motorcycle whose document has not been produced by the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that at the time of alleged raid, petitioner was not present in his house. Counsel submits that criminal antecedent of the petitioner is not clean as there is one case pending against him in which he is on bail. Counsel further submits that the case which is pending against the petitioner is not registered under Excise Act. Counsel submits that in paragraph no.16 of the bail application, it has been explained that the motorcycle which has been recovered from petitioner's house belongs to one of his friend and the said motorcycle is not subject to theft.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the case which is pending against the petitioner is not registered under Excise Act.

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, 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-II, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 438 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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