

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7271 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- UPHARA District- Aurangabad

Akhilesh Kumar Son of Anil Pasi Resident of Village- Hamidnagar, PS-
Uphara, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., A.P.P.

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 Uphara P.S. Case No. 1 of 2025 lodged on 01.01.2025, for the offence punishable 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 45 litres of illicit 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 submits that nothing has been recovered from petitioner's possession. Counsel submits that from the contents of FIR, it become crystal clear that upon secret information, police reached on the spot and one accused person was apprehended who has disclosed the petitioner's name. Counsel further submits that search and seizure memo has been attached in the bail application from which it transpires that the articles have been recovered from the possession of co-accused namely, Ajay Pasi @ Budha Pasi. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

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 Uphara P.S Case No.5 of 2024, and 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 Special Judge Excise-II, Aurangabad, in connection with Uphara P.S. Case No. 1 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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