

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7281 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- MADHEPUR District- Madhubani

Niraj Kumar Son of Ramvir Mahto Resident of Village - Nawada, P.S. -
Madhepur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan 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 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 petitioner who apprehends his arrest in connection with Madhepur P.S. Case No.165 of 2024 (G.R. No.768 of 2024) lodged on 31.10.2024, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 read with section 78 of the Juvenile Justice Act, 2015.

3. As per the prosecution, total recovery of 12 liter of wine has alleged to be made, which is subject matter of the present case and one accused has been apprehended other than



the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that petitioner is the owner of the motorcycle and the apprehended person is younger brother of the petitioner. He further submits that one other person who has been identified by the police, is other the petitioner, namely, Sonu Kumar Mandal. He further submits that by virtue of the owner of the motorcycle, the petitioner has been made accused in this case.

5. Counsel submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him in which he is on bail.

6. Counsel further submits that from the allegation made in the F.I.R., it becomes crystal clear that the petitioner is innocent and his name has inserted only by virtue of action done by the younger brother of the petitioner.

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

8. 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 learned Court below 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 the cases (*i.e.*,. Madhepur P.S. Case no.87 of 2024) which is pending against him, 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 Act, Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No.165 of 2024 (G.R. No.768 of 2024) , subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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