

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13246 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- Kashnagar District- Saharsa

Vikash Yadav @ Bikash Kumar Son of Mushahru Yadav Resident of Village -
Parariya Tola Mohaniya, Ward no. 14, P.S. - Kashnagar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pawan Kumar, Advocate
For the Opposite Party/s :	Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2025 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 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Kashnagar P.S. Case No. 37 of 2024, lodged on 16.08.2024, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against co-accused Anish Kumar. Total recovery of three litres of foreign 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 the recovery of alleged foreign liquor was made from the house of co-accused. Counsel further submits that the name of the petitioner has come in this case only by virtue of the statement of the arrested co-accused. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the record, it transpires that neither recovery of alleged foreign liquor has been made from the petitioner's possession nor he was apprehended from the place of occurrence.

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 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-1, Saharsa, in



connection with Kashnagar P.S. Case No. 37 of 2024, subject to
the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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