

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15848 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- BHAGWANPUR District- Vaishali

Rishi Kumar Son of Ram Prasad Paswan Resident of Vill.- Karhari, P.S.-
Bhagwanpur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aniket Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 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 Bhagwanpur P.S. Case No. 22 of 2025 lodged on 22.01.2025, 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 4.860 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 also submits that the alleged recovery of illicit liquor has been made from a hut and nothing has been recovered from the conscious possession of the petitioner. Counsel further submits that 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 and submits that criminal antecedent of the petitioner is not clean and this aspect must be taken into consideration.

6. However, in the light of Section 76 of The Bihar Prohibition And Excise Act, 2016, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case considering that the



alleged recovery of illicit liquor has not been made from the
petitioner’s possession.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

