

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13326 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- NAYAGAON District- Saran

Tarkeshwar Ray Son of Ram Surat Ray Resident of Village - Bariarchak, P.S.-
Nayagaon, District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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 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 Nayagaon P.S. Case No. 13 of 2025 lodged on 20.01.2025, 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) and owner of a vehicle. Total recovery of 1120 kg. of black jaggery and 2 kg of *nausadar* 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 petitioner has been made accused in this case, but no excise material has been recovered from his possession. Counsel submits that the alleged recovery of black jaggery and *nausadar* has been made, but these materials are not defined under the Bihar Prohibition and Excise Act. Counsel further submits that petitioner has not been apprehended from the place of occurrence, rather his name has come in this case on the disclosure made by the driver. 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.

5. Learned APP for the State opposes the prayer for bail of the petitioner but submits that it is true that the said alleged recovery of black jaggery and *nausadar* has been made, but these materials are not defined under the Bihar Prohibition and 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 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Nayagaon P.S. Case No. 13 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Divyansh/-

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

