

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14805 of 2025

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

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Basudeo Nayak @ Basu Son of Tulsi Prasad Nayak @ Tulshi Nayak Resident
of Village- Raja Tand, Angwali, P.S.- Patarwar, Distt.-Bokaro (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate
		Mr. Dipak Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-06-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Malaypur P.S. Case No. 57 of 2021, lodged on 09.04.2021, under Sections 30(a)/36/41(1) of the Bihar Prohibition and Excise Act, 2018.

3. Learned Counsel for the petitioner submits that the petitioner has been granted anticipatory bail vide order dated 31.07.2023 passed in Cr. Misc. No.36710 of 2023 with condition imposed by this Hon’ble Court, which has been



mentioned in paragraph-9 of the said order. Counsel submits that the petitioner was remanded on 14.11.2024 in the present case and the Exclusive Excise Court-I, Jamui, has passed the order on 11.02.2025 by which his bail application has been rejected. Counsel submits that according to the procedure, every bail order, whether regular or anticipatory, passed by this Hon'ble Court has been communicated to the original Court/Exclusive Excise Court No.I, Jamui in the present case. But the Trial Court have not shown respect to the order passed by this Hon'ble Court in the present case and remanded the petitioner in custody, in his prayer for remand and further in application for regular bail, his regular bail application has also been rejected in gross violation of the condition made in paragraph 9 of the order passed by this Hon'ble Court dated 31.07.2023 in Cr. Misc. No.36710 of 2023.

4. Learned APP for the State, on the other hand, submits that whatever the argument made by the Counsel for the petitioner has to be modified up to the certain extent that the Trial Court at the time of passing order have categorically acknowledged in the order sheet that at present no regular or anticipatory bail has been filed on behalf of the petitioner either in this Court or before the Hon'ble High Court. Counsel for the



State submits that it is fault of the petitioner that at the time of hearing of regular bail he himself not communicated about this fact before the Exclusive Excise Court No.I, Jamui. It is due to this reason, this order has been passed, otherwise no Judicial Officer could dare to pass order in violation of the Hon'ble Court's order.

5. After hearing the parties and going through the record, this application is hereby disposed off directing the Exclusive Excise Court No.I, Jamui, to pass order afresh within seven days from the date of communication of the order passed by this Court considering this aspect that anticipatory bail has already been granted to this petitioner vide order dated 31.07.2023 passed in Cr. Misc. No.36710 of 2023, in which paragraph-9 is condition laid down which is still applicable.

6. It is made clear that the said order shall be passed within the said period in which he shall also explain the circumstances under which the violation of this Hon'ble Court's order has been made.

(Dr. Anshuman, J)

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