

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15995 of 2025

Arising Out of PS. Case No.-943 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Samsher Khalifa S/O Taiyab Miyan R/O Village- Badhupar, P.O.- Badhupar,
P.S.- Mohania, District- Kaimur at Bhabua, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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 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 Excise P.S. Case No.943 of 2024 lodged on 14.12.2024, for the offences punishable under Sections 30(a), 32(i), 32(iii), 41(1) & 42(2) of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution, the allegation of total 63 liters of illegal liquor have been recovered from a motorcycle, which is subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He further submits that the petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner and no one arrested from the place of occurrence. He further submits that said recovery has been made from a motorcycle which belongs to him which he has given to one of his family members and he is completely unaware that what he is doing with the motorcycle. Only due to owner of the motorcycle, petitioner's name has figured in this case.

5. Counsel submits that the criminal antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is clean and this aspect may be taken into consideration.

7. 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 Special Judge, Excise Court No.II, Kaimur, Bhabua, in connection with Excise P.S. Case No.943 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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