

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19537 of 2025

Arising Out of PS. Case No.-392 Year-2024 Thana- HUSSAINGANJ District- Siwan

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Anshu Kumar Kushwaha @ Anshu Kumar S/o Mukesh Kumar Kuswaha
Resident of Village - Tikri, P.S. - Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 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 arrest in connection with Hussainganj P.S. Case No. 392 of 2024, dated 05.11.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 216 litres of illicit liquor has been made in a *bhusaghar* of one Sakal Manjhi, 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 further submits that in this case three persons were made



accused. Counsel also submits that criminal antecedents of the petitioner is clean and merely on suspicion his name has been inserted in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is named in the FIR, but from the allegation, it transpires that ingredients of Excise Act is not available against the present petitioner. Counsel further submits that as per the pleadings, the petitioner has a clean criminal antecedent.

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 Exclusive Special Excise Court No.- 1, Siwan, in connection with Hussainganj P.S. Case No. 392 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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