

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19470 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- Excise P.S. District- Samastipur

Nilmani Sharma Son of Shankar Sharma Resident of Village - Motipur, P.S. -
Tajpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Khushi Awadh, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioner and

Learned A.P.P 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 Sadar Excise P.S. Case No.44 of 2025 lodged on 18.02.2025, for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, the total recovery of 21.760 liters of foreign liquor has been made, 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. Counsel also submits that the petitioner has been falsely implicated in



this case. The said recovery has not been made from conscious possession of the petitioner. The petitioner's name has come by virtue of secret information and upon disclosure made by the local persons.

5. Counsel further submits that petitioner's antecedent is not clean. There are two criminal cases pending against him in which he is on bail in both cases.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean. There are two criminal cases pending against him and this aspect may be taken into consideration.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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