

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19318 of 2025**

Arising Out of PS. Case No.-20 Year-2025 Thana- KANTI District- Muzaffarpur

=====

Raja Babu S/O Chandeshwar Prasad @ Chandreshwar Prasad Singh Resident
of Village- Kharika , P.S- Panapur O.P, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P

=====

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 his arrest in connection with Kanti P.S. Case No. 20 of 2025 lodged on 18.01.2025, for the offence punishable under Section 317(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023") read with Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioner.



Total recovery of 996.09 litres of illicit liquor 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 the recovery of alleged liquor has been made from a pick-up van and nothing has been recovered from the conscious possession of the petitioner. Counsel submits that the petitioner is neither owner nor driver of the said vehicle and also not been apprehended from the place of occurrence. Counsel submits that petitioner's name has been figured in this case by virtue of the disclosure made by one apprehended person namely, Rajesh Kumar. Counsel further submits that the petitioner has no criminal antecedent and no offence is made out under the Excise Act.

5. Learned APP for the State opposes the prayer for bail of the petitioner but submits that the petitioner has no 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 Judge, Excise Court No.II, Muzaffarpur, in connection with Kanti P.S. Case No. 20 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. It is made clear that in case, the Trial Court received information that criminal antecedent of the petitioner is not clean, then in that case, petitioner shall not be released on bail.

(Dr. Anshuman, J)

Divyansh/-

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

