

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19469 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- Excise P.S. District- Nawada

1. Subodh Malakar S/o Late Dwarika Malakar R/o Village- Chamotha, Hatiapar (Laund), P.S- Sirdala, District- Nawada
2. Bhalua @ Babloo S/o Late Dwarika Malakar R/o Village- Chamotha, Hatiapar (Laund), P.S- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioners 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 petitioners who apprehend their arrest in connection with Excise P.S. Case No. 07 of 2025 lodged on 06.01.2025, for the offences punishable under Sections 30(a), 37 and 45 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, the recovery of 7 liters of country made liquor have been alleged to be made from a sack,



which is subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the petitioners have been falsely implicated in this case. Nothing has been recovered from conscious possession of petitioners nor the said recovery has been made from their shop/hotel.

5. Counsel submits that the criminal antecedent of the petitioners is not clean as there are two criminal cases pending against petitioner No.1 and one criminal case pending against petitioner No.2.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that criminal antecedent of the petitioners is not clean and this aspect must be taken into consideration.

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

8. However, trial court is directed to consider the regular bail application of the petitioners, if they surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order, upon verification of availability of



ingredients of the Excise Act, without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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