

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21159 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- WARISNAGAR District- Samastipur

1. Amarjeet Kumar Son of Rambalak Ray Resident of Village - Gohi, P.S. - Waris Nagar, District - Samastipur
2. Sarvjeet Kumar @ Sarawjeet Kumar Son of Vipin Kumar Ray @ Bipin Ray Resident of Village - Maniyarpur, P.S. - Waris Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-04-2025 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 Waris Nagar P.S. Case No.42 of 2025 lodged on 27.02.2025, for the offences punishable under Section30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 75.84 liter of foreign wine have been made from a car, 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 petitioners have been falsely implicated in the present case. Nothing has been recovered from conscious possession of the petitioners. He further submits that petitioners are not owner of the said vehicle from where the recovery has been made.

5. Counsel submits that the criminal antecedent of the petitioners is not clean. There is one case pending against the petitioners and they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that antecedent of petitioner Nos.1 & 2 is not clean. There is one case relating to Excise Act, is pending against petitioner No.2 and one case pending against petitioner No.1 other than excise matter.

7. As such, in the present facts and circumstances of this case, let petitioner No.1, namely, Amarjeet Kumar 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, Samastipur, in connection with Waris Nagar P.S. Case No. 42 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. So far as the petitioner No.2, namely, Sarvjeet Kumar, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.2, therefore the bail application of the petitioner No.2 is hereby rejected.

9. However, trial court is directed to consider the regular bail application of the petitioner No.2, namely, Sarvjeet Kumar, 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.)

Prakashmani/-

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

