

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21007 of 2025

Arising Out of PS. Case No.-165 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Sanjay Singh S/o Ravindra Singh R/o Village- Banauli Dumari Jamal, P.S.- Saraiya, Distt.- Muzaffarpur
2. Om Prakash Singh S/o Ravindra Singh R/o Village- Banauli Dumari Jamal, P.S.- Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, 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 'the BNSS, 2023') for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Saraiya P.S. Case No. 165 of 2023, lodged on 20.03.2023, under Section 30(a) /32(ii)(iii)/41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 7.740 litres of foreign liquor has been made which is the subject matter of



the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the recovery of alleged foreign liquor has been made from behind the house of the petitioners. Counsel submits that nothing has been recovered from the conscious possession of the petitioners. Counsel further submits that the names of the petitioners have come in this case only by virtue of the statement of local *Choukidar*. Counsel submits that the criminal antecedent of the petitioners is clean. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that antecedent of the petitioners is clean.

6. As such, in the present facts and circumstances of this case, let the above named petitioners 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) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Judge, Excise-II, Muzaffarpur,



in connection with Saraiya P.S. Case No. 165 of 2023, subject to
the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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