

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21988 of 2025

Arising Out of PS. Case No.-113 Year-2024 Thana- AAJAM NAGAR District- Katihar

Fayaz Alam Bhat @ Md. Fayiaz S/o Sikandar Alam Bhat @ Sekandar Bhat
Resident of Village- Daniha, P.S.- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-05-2025 Heard Learned Counsel for the petitioner 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 petitioner who apprehends arrest in connection with Azamnagar P.S. Case No. 113 of 2024, lodged on 22.03.2024, under Sections 30(a)/37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. Total recovery of 4.125 litres of foreign 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 submits that the apprehended accused persons disclosed his name. Counsel submits that petitioner's name is not in the FIR; rather being owner of the vehicle his name has come. Counsel submits that his bike had been taken by Guddu Kumar for urgent purpose, but he was completely unaware that his bike was being used for such illegal purpose. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that petitioner is 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 petitioner.

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 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 Additional Sessions Judge, Special Judge, Excise Court No.2, Katihar, in connection with Azamnagar P.S. Case



No. 113 of 2024, subject to the conditions as laid down U/s
482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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