

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34154 of 2025

Arising Out of PS. Case No.-302 Year-2025 Thana- Excise P.S. District- Purnia

1. Md. Zahid S/o Md. Zamil Akhtar @ Zimal Akhtar R/o Village- Dalkola Railway Gate, P.S.- Dalkola, District- Dinajpur, State- West Bengal
2. Md. Aashik @ Asif Alam S/o Md. Nurul R/o Village- Kalkola Railway Gate, P.S.- Dalkola, District- Uttar Dinajpur, State- West Bedngal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-06-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioners who are in custody in connection with Excise P.S. Case No.302 of 2025, lodged on 24.04.2025, under Section 30(a)/47 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioners. Total recovery of 237 litres of beer 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 also submits that the recovery of alleged beer has been made from the vehicle in question. Counsel further submits that petitioner No.1 is the owner and petitioner no.2 is driver of the said vehicle. Counsel further submits that no recovery has been made from possession of the petitioners and the criminal antecedent of the petitioners are clean. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him, he is in custody since 24.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that 237 liters of Hayward 5000 Premium Strong beer has been recovered from the vehicle.

6. In the present facts and circumstances of this case, let the petitioners, above named, be released on bail **subject to payment of Rs.1,00,000/- (Rupees One Lac) each to the Excise Department, Government of Bihar**, 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-2), Purnea, in connection with Excise (Sadar) P.S. Case No. 302 of 2025,



subject to the conditions as laid down U/s 480(3) of the BNSS,
2023, with further following conditions:-

(i) one of the bailor should be the close relative of the
petitioners who shall provide official document to show his
bonafide.

(ii) Another bailor shall be a person who sworn the
affidavit on behalf of the petitioners before this Court, namely,
Shadab (brother-in-law of the petitioner No.1) S/o Gulsher
Khan, R/o Mohalla-Tapkan Tola, Aliganj, P.O.-Aliganj, District-
Etah (Uttar Pradesh)-207247. Aadhar Card No.827091308623

(Dr. Anshuman, J)

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