

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34698 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- BUXAR INDUSTRIAL District- Buxar

1. Kanhaiya Singh S/O Brij Bhushan Singh R/O Mohalla- Basdih, P.S- Basdih, Dist.- Baliya (U.P.).
2. Sahil Singh S/O Dilraj Singh @ Dhiraj Singh R/O Mohalla- Basdih, P.S- Basdih, Dist.- Baliya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 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 they are in custody in connection with Buxar(I) P.S. Case No. 86 of 2025, lodged on 07.04.2025, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 555.84 litres of English liquor has been made from Mahindra XUV Car, 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 English liquor were made from Mahindra XUV Car and petitioners are the driver and khalasi of the said vehicle. Counsel further submits that petitioners was completely unaware that what was loaded in the said vehicle and he had driven the vehicle on the instruction of the owner. Counsel further submits that petitioners are poor persons and they are ready to fulfill all the conditions whatsoever shall be imposed upon them. Petitioners are in custody since 08.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that it has come in the FIR that prior to the start of vehicle the owner has categorically intimated them that wine is loaded in the vehicle, therefore, petitioners had no knowledge is not correct. He further submits that nothing has been recovered from their possession and only one thing is that antecedents of the petitioners are clean as pleaded by the learned counsel for the petitioners may be taken into consideration.

6. In the present facts and circumstances of this case, let the petitioners, above named, be released on bail 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 learned Court of Special Judge, Excise Court No.1, Buxar, in connection with Buxar(I) P.S. Case No. 86 of 2025, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023, with further conditions:-

(i) the Trial Court is directed to release the petitioners on bail only after framing of charge, if not framed as well as upon deposit of Rs.20,000/- each in the account of Patna High Court Legal Services Committee.

(ii) one of the bailor should be the close relative of the petitioners, who shall provide official document to show their *bonafide*.

(iii) Another bailor shall be a person who sworn the affidavit on behalf of the petitioners before this Court, namely, Sankaj Singh (brother of the petitioner No.1) S/o Brij Bhushan Singh, R/o Village-Narayanpur, Taluka-Majhos, P.S.-Basdih, District-Ballia (U.P.). Aadhar No.336260802476.

(Dr. Anshuman, J)

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