

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36527 of 2025

Arising Out of PS. Case No.-607 Year-2024 Thana- FATEHPUR District- Gaya

Birendra Kumar S/o- Ganesh Mali Village- Amawan PO-Banshagopal PS-
Rajauli District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabia Gulnaz, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 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 "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Fatehpur P.S. Case No.607 of 2024 lodged on 22.09.2024, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the allegation of total 900 liters of mahua liquor has been recovered from a bag of motorcycle and against the petitioner, only 200 liters of wine have been recovered from his motorcycle, which is subject



matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. He further submits that said recovery has been made from a motorcycle which belongs to him, but the said motorcycle was already stolen.

5. Counsel submits that the criminal antecedent of the petitioner is not clean. There is one criminal case pending against him in which he is on bail. He further submits that in the said case i.e., Rajauli P.S. Case No.216 of 2024, he is in custody since 06.09.2024 to 02.03.2025. He further submits that the present FIR has been lodged on 22.09.2024. As such, counsel submits that on the date of recovery and lodging of FIR, petitioner was already in judicial custody. Therefore, the liquor from where the said recovery has been made, the petitioner was not the user of the said motorcycle.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean. He further submits that on the date of lodging of present FIR, the petitioner was already in judicial



custody.

7. 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 Exclusive Special Excise Court No.4, Gaya, in connection with Fatehpur P.S. Case No.607 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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