

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34697 of 2025

Arising Out of PS. Case No.-67 Year-2023 Thana- BARAUNI District- Begusarai

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Suman Kumar @ Suman Kumar Singh S/o Ramagya Singh R/o Vill-
Khemkaranpur, Bihat, P.S.- Barauni, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 No one appears on behalf of the petitioner, in-spite of

the fact that there are three counsel on record. However, learned

APP for the State is present.

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 petitioner who is in
custody in connection with Barauni (Ziromile OP) P.S. Case No.
67 of 2023, lodged on 10.02.2023, under Section 30(a), 41(1) of
the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, on search 392.400 litres of
foreign liquor was recovered from the Car and 654.600 litres of
foreign liquor was recovered from the land, total 1047 liters of
foreign liquor has been made, which is the subject matter of the



present case. It has been stated in the FIR that the petitioner and other accused persons have fled away from the place of occurrence. Police party conducted raid on the secret information and therefore, case has been lodged against the driver and owner of the said Maruti Car and one accused namely, Sandeep Kumar.

4. It has been pleaded in the bail petition by the learned Counsel for the petitioner that the petitioner is innocent and has committed no offence. It has further pleaded that petitioner has falsely implicated in this case and he is not named in the F.I.R. and his name has figured only due to the reason that he is owner of the seized vehicle. The stand has been taken by the petitioner in the petition that he has no knowledge about the seizure of the liquor as he has handed over the vehicle to his driver. The said recovery has not been made from the conscious possession of the petitioner. He has further pleaded that antecedent of the petitioner is not clean, there are five criminal cases pending against him and out of five cases only one case is of Excise Act. Petitioner is in custody since 20.03.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there are five criminal antecedent of the petitioner in which one is of Excise Act and



one is of NDPS Act. He fairly submits that petitioner was not present at the place of occurrence as pleaded and his vehicle has been seized by the police.

6. In the present facts and circumstances of this case, let the petitioner, above named, be released on bail 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 learned Exclusive Special Excise Judge-I, Begusarai, in connection with Barauni (Ziromile OP) P.S. Case No. 67 of 2023, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023, with further condition that :-

(i) the Trial Court shall only after framing of charge as well as on being satisfied that petitioner is not absconding in anyone of the cases pending against him, namely, (i) Barauni (F.C.I.) P.S. Case No.135 of 2022, (ii) Barauni (F.C.I.) P.S. Case No.150 of 2023, (iii) Barauni (Zeromile) P.S. Case No.190 of 2022, (iv) Barauni (F.C.I.) P.S. Case No.19 of 2020 and (v) Barauni P.S. Case No.166 of 2024.

(Dr. Anshuman, J)

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