

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34686 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- AMAUR District- Purnia

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Anil Kumar S/o Arvind Kumar Vishwas R/o Village- Gangaili Ward No. 5,
P.S.- Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar Bhagat, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard learned Counsel for the petitioner 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 petitioner who is in custody in connection with Amour P.S. Case No. 162 of 2025, lodged on 25.04.2025, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 144.360 litres of foreign liquor has been made from the Tata Magic Van, 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 further submits that the alleged recovery of foreign liquor was made from the Tata Magic Van and petitioner was



completely unaware that what was loaded in the vehicle. Counsel further submits that mandatory provision of search and seizure has not been followed. Counsel further submits that petitioner is not the owner of the said vehicle and he has no concern with the alleged recovery, he has falsely been implicated due to ulterior motive. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 26.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner was driving the said vehicle from which recovery has been made. He further submits that on the said vehicle, the bags of Cements were loaded and between the bags the wine has been kept, therefore, the statement of the petitioner that he is unaware that what was loaded in the vehicle is not correct.

6. In this background, this Court is not inclined to enlarge the petitioner on bail in connection with Amour P.S. Case No. 162 of 2025 pending in the court of learned Exclusive Special Judge (Excise-02), Purnea. Hence, the prayer for bail of the petitioner is hereby rejected.

7. However, petitioner is at liberty to renew his prayer for bail two months after framing of charge, if not framed.

(Dr. Anshuman, J)

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