

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34441 of 2025

Arising Out of PS. Case No.-426 Year-2021 Thana- KAHALGAON District- Bhagalpur

Yogi Mandal Son of Niranjana Mandal Resident of Village- Athagama, Diyara,
Sangeet Baeta, P.S.- Ekchari- District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Archana Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 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 Kahalgaon Rasalpur P.S. Case No. 426 of 2021, lodged on 28.06.2021, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 142.5 litres of country made liquor has been made from the Scorpio 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 recovery of alleged country made liquor has been made from the Scorpio vehicle, petitioner was not



apprehended from the place of occurrence rather he has named in the F.I.R. only due to the reason that he is owner of the vehicle from which the recovery has been made. Counsel further submits that petitioner is completely unaware that the driver was carrying the wine on his vehicle. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 03.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that recovery has been made from the vehicle in question.

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 Court of Special Judge Excise-II, Bhagalpur, in connection with Kahalgaon Rasalpur P.S. Case No. 426 of 2021, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

(Dr. Anshuman, J)

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