

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38249 of 2025

Arising out of PS. Case No.-47 Year-2025 Thana- THALI District- Nawada

Akhilesh Ram @ Aklesh Ram S/o Gorelal Rajbanshi Resident of village
-Jaipur P.S-Thali, District- Nawada

... .. Petitioner/s

Versus

The state of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41908 of 2025

Arising out of PS. Case No.-47 Year-2025 Thana- THALI District- Nawada

Amturni Devi @ Malo Devi Wife of Ganesh Ram @ Ganesh Rajbanshi
Resident of Village - Krishna Nagar, P.S.- Thali, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38249 of 2025)

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 41908 of 2025)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-06-2025 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 Thali P.S. Case No. 47 of 2025, lodged on 23.02.2025, under Section 30(a)(d), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022. Petitioner namely Akhilesh Ram @ Aklesh Ram has no criminal antecedent and Petitioner namely Amturni Devi @ Malo Deo has one criminal antecedent, i.e., Thali P.S. Case No. 13 of 2023 registered under Section 30(a) of the Excise Act.

3. As per the prosecution, total recovery of 150 litres of country made liquor and other articles have been made which is the subject matter of the present case.

4. Learned Counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Learned Counsel also submits that the recovery of alleged country made liquor has been made from the mango orchard and petitioners have no concern with the alleged recovery. The learned Counsel further submits that petitioners were not arrested from the spot and nothing have been recovered from the conscious possession of these petitioners. Learned Counsel further submits that the name of the petitioners has been taken by local chaukidar and petitioner namely Akhilesh Ram @ Akela Ram has clean antecedent and petitioner namely Amturni



Devi @ Malo Devi has one criminal antecedent and they are in custody since 07.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the recovery has been made from the mango orchard.

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.10,000/- (Rupees Ten Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Judge-1, Nawada, in connection with Thali P.S. Case No. 47 of 2025, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.



(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners as above-mentioned and in case at any stage it is found that the petitioners have concealed their criminal antecedents as above-mentioned, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. In view of the antecedent of the petitioner namely Amturni Devi @ Malo Devi, the petitioner is directed to appear before the Superintendent of Police, Nawada within fifteen days of her release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by her to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court con-



cerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

