

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39005 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Mithun Bin @ Mithun Kumar S/o Uga Bin @ Ugam Mahato Resident of
Village- Bishambharpur, P.S.-Bishambharpur, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 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 Vishambharpur P.S. Case No.78 of 2025 lodged on 12.04.2025, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the total recovery of 252 litres of liquor has been made in this case in which only 108 liters of country-made liquor has been made from the petitioner's motorcycle, 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



also submits that the said recovery has not been made from conscious possession of the petitioner and there is nothing incriminating against the petitioner. He further submits that due to village politics, his name has been transpired only on secret information.

5. Counsel further submits that criminal antecedent of the petitioner is not clean as there are two criminal cases relating to Excise Act, pending against him in which he is on bail.

6. Counsel further submits that the petitioner is a law abiding citizen and ready to attend court regularly and fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are two cases relating to Excise Act, pending against him and this aspect must be taken into consideration.

8. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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