

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43698 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- MADHUBAN District- East Champaran

Arvind Prasad @ Karan Kumar S/o Suresh Bhagat R/o Vill- Bhelwa, P.S.-
Madhuban, Distt- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate Mr. Sumit Kumar Gupta, Advocate Mr. Atul Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 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 ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Madhuban P.S. Case No. 128 of 2025, lodged on 22.04.2025, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 40 litres of country-made liquor has been made 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 submits that the recovery of alleged country-made liquor has not been made from the conscious possession of the petitioner. Counsel submits that no ingredient of Excise Act is available with the petitioner as nothing has been recovered from the possession of the petitioner and the said recovery has been made from the public place. Counsel submits that the criminal antecedent of the petitioner is not clean. There are two criminal cases pending against him and both are of under the Essential Commodities Act and in Excise Act the antecedent of the petitioner is clean. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, 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



Exclusive Special Excise Court-3, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 128 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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