

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39571 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- Sahayak Khajanchi District- Purnia

1. Chandan Kumar S/O Surendra Das @ Surendar Das Resident of Village-Panchwati Colony, ward no. 26, PS- Sahayak Khajanchi, District- Purnea
2. Kundan Kumar S/O Suredra Das @ Surendar Das Resident of Village-Panchwati Colony, ward no. 26, PS- Sahayak Khajanchi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard Learned Counsel for the petitioners 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 petitioners who apprehends their arrest in connection with Sahayak Khajanchi P.S. Case No.90 of 2025 lodged on 12.03.2025, 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 7.5 litres of foreign liquor have been made upon raid, which is the



subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioners are innocent and have committed no offence. Counsel also submits that the said recovery has not been made from conscious possession of the petitioners and there is nothing incriminating against the petitioners. He further submits that the place from where recovery has been made, do not belong to the petitioners.

5. Counsel further submits that criminal antecedent of the petitioners is not clean as there is one criminal case pending against petitioner No.1 and two criminal cases pending against petitioner No.2. He further submits that ingredient of offences is not present against petitioners.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that as per allegation, wine belong to the petitioners though quantity is less, but criminal antecedent is not clean.

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

8. However, trial court is directed to consider the regular bail application of the petitioners, if they surrender



within 4 weeks from today and pray for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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