

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39572 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- SHAHPUR PATORI District- Samastipur

Sudhir Kumar S/O Bijal Mahto R/O Village- Supaul, Khairaj, Ward No.-11,
P.S- Patory, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, 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 Patory P.S. Case No.44 of 2025 lodged on 02.04.2025, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the F.I.R. has been lodged against two accused persons including the petitioner against whom total recovery of 5 litres of *Chulai* liquor have been made from a shop, 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. He further submits that the apprehended co-accused person is a full brother of the petitioner and due to this reason, petitioner's name has been inserted in this case. Counsel further submits that criminal antecedent of the petitioner is clean. He further submits that the said shop does not belongs to petitioner.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is clean.

6. As such, 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 Special Excise Court-II, Samastipur, in connection with Patory P.S. Case No.44 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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