

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42475 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- KESARIA District- East Champaran

Muntun Sahani S/O Sital Sahani @ Shital Sahani Resident of village-
Banparua, P.s.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 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 "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Kesariya P.S. Case No.47 of 2025 lodged on 08.02.2025, for the offences punishable under Sections 274 and 275 of the BNS read with section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, the total recovery of 100 litres of country-made liquor has been made from a pond and 4500 liters of raw wine was destroyed on spot, 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 his name has been transpired only on secret information. Counsel further submits that criminal antecedent of the petitioner is not clean as there is one case relating to Excise Act, pending against him in which he is on bail.

5. 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 is one case relating to Excise Act, pending against him and this aspect must be taken into consideration.

6. 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.

7. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays 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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