

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43716 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Jagdish @ Jagdish Mahowat S/o Gulab Singh R/o Village- - 246, Ranmal
Billod, Kalibillod, P.S.- Betma, District- Indore (Madhya Pradesh), Pin-
453001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, 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 Khodawanpur P.S. Case No. 09 of 2024, lodged on 20.01.2024, under Sections 30(a)/32(i)(ii)/41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 3139 litres of foreign 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 antecedent of the petitioner is clean. Counsel submits that there is nothing against him save and except confessional statement. He submits that petitioner is victim in this case. He further submits that case-diary is necessary for proper appreciation of the case, therefore, case-diary may be called for.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is well known to the public at large in Bihar that sell of excise is completely banned. He submits that total recovery of 3139 liters of foreign liquor has been made from the truck.

6. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of petitioner is hereby rejected. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered on its own merit whether ingredients of Excise Act is available in the present case or not and pass order in course of the day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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