

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47108 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- KOILWAR District- Bhojpur

Rohit Kumar Sharma S/o Mritunjay Sharma R/o Village- Ward No. 10
Kulharia, P.S.- Kulharia, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 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 Koilwar P.S. Case No.65 of 2024, lodged on 07.02.2024, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 90 litres of country-made Mahua 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 foreign liquor has been made from his motorcycle and not from the personal possession of the petitioner. Counsel submits that for personal use his motorcycle was taken by his neighbour and he was completely unaware about the fact that it will be used for illegal work. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that his name has come on the confessional statement of co-accused.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the record, it transpires that neither recovery of alleged foreign liquor has been made from the petitioner's possession nor he was apprehended from the place of occurrence.

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 Exclusive Special Excise Court No.II, Bhojpur at



Ara, in connection with Koilwar P.S. Case No.65 of 2024,
subject to the conditions as laid down U/s 482(2) of the BNSS,
2023.

(Dr. Anshuman, J)

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