

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75460 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- Fakuli District- Muzaffarpur

Kundan Kumar Son of Vinod Ram R/O-Village -Chandpura Khurd, Police
Station- Goraul, District -Vaishali, Mobile No. 9905971523

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 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 Fakuli P.S. Case No. 39 of 2024, lodged on 30.07.2024, under Sections 30(a)/41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. Total recovery of 78.12 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 also submits that the recovery of alleged foreign liquor has been made from the possession of co-accused. Counsel further submits that the name of the petitioner has come in this case only by virtue of the confessional statement of co-accused and no recovery has been made from the petitioner's possession. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that petitioner is ready to fulfil all the conditions whatsoever shall be imposed upon him.

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 Judge Excise, Court No-II, Muzaffarpur, in connection with Fakuli P.S. Case No. 39 of



2024, subject to the conditions as laid down U/s 482(2) of the
BNSS, 2023.

(Dr. Anshuman, J)

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