

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85084 of 2024

Arising Out of PS. Case No.-692 Year-2024 Thana- PATNA RAIL P.S. District- Patna

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Anwar Sami Siddiqui Son of Sami Mohammad @ Sammi Mohammad
Resident of House No. 1/1132, Gola Ghat, P.S. - Ramnagar, District -
Varanasi (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Subhash Kumar Tiwari, Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-05-2025 Heard Learned Senior 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 Rail Patna Junction P.S. Case No. 692 of 2024, lodged on 24.09.2024, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 30.750 liters of foreign liquor has been made which is the subject matter of the present case.



4. Learned Senior Counsel for the petitioner submits that from the content of the FIR it becomes crystal clear that the petitioner is the informant of this case and on his instance the case was lodged. Learned Senior Counsel submits that the allegation against the present petitioner is that he has granted permission to one of the co-accused to go with his brother but he submits that upon bare perusal of the FIR case has been lodged only under 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022. He submits that no ingredient of Excise Act is associated against the petitioner as he was informant and admittedly recovery has not been made from his possession. He submits that though it has been alleged that the petitioner has granted permission to one of the accused to leave the place of occurrence but for that no offence has been added in the FIR.

5. Learned APP for the State opposes the prayer for bail of the petitioner and fairly submits that it is very surprising that the petitioner who himself is the informant in this case and lodged case under Section 30(a) of the Bihar Prohibition and Excise Act, the ingredient of Section 30(a) is not against the petitioner and 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 Judge, Excise Act, Court No.I, Patna, in connection with Rail Patna Junction P.S. Case No.692 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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