

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3793 of 2025

Arising Out of PS. Case No.-339 Year-2022 Thana- BODHGAYA District- Gaya

Kunal @ Kunal Kumar @ Sonu @ Soni Son of Late Ambika Singh Resident
of Village- Manpur, Kurmi Tola, P.S.- Mufassil, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-04-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Bodhgaya P.S. Case No.339 of 2022, for the offence punishable under Sections 467, 468, 470 and 120 of the IPC read with section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the total recovery of 4077 litres of *English* liquor has alleged to be 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 petitioner has neither been apprehended nor found fleeing away from the place of occurrence and his name has been transpired only on the basis of confessional statement of co-accused person and such type of confessional



statement does not constitute any offence.

5. Counsel further submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is relating to NPDS.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean which is relating to NPDS and this aspect must be taken into consideration.

7. 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.

8. It transpires to this Court that due to non-maintainability of sections in Essential Commodities Act, it shall become barrier in deciding the case on merit. As such, 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 only after going through the availability of the ingredients against the petitioner without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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