

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13341 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- BIHARIGANJ District- Madhepura

1. Lalit Yadav Son of Late Fokay Yadav Resident of Vill- Tulsiya, Ward No. 04, Bihariganj, District- Madhepura
2. Anup Yadav Son of Late Fokay Yadav Resident of Vill- Tulsiya, Ward No. 04, Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2025 Heard Learned Counsel for the petitioners 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 "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Bihariganj P.S. Case No.39 of 2025 lodged on 03.02.2025, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, the recovery of 161.67 liters of wine have been alleged to be made from a vehicle, which is



subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that due to village politics, petitioners were made accused. He further submits that nothing incriminating has been recovered from conscious possession of the petitioners. He further submits that the petitioners are not the owner of the seized pick-up.

5. Counsel submits that the criminal antecedent of the petitioners are not clean. He further submits that there are four criminal cases pending against petitioner No.2 in which one case is of excise matter and there are three criminal cases pending against petitioner No.1 and in all cases, petitioners are on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. As such, in the present facts and circumstances of this case, let the above named petitioner No.1, namely, Lalit Yadav be released on anticipatory bail as well as **on being satisfied by the trial court that the petitioner No.1 is not absconding in any cases pending against him i.e., (i) Bihariganj P.S. Case No.141 of 2023 (ii) Bihariganj P.S. Case**



No.62 of 2003 (iii) Murliganj P.S. Case No.92 of 2004, 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 Addl. District and Sessions Judge 7th cum Special Judge, Excise-II, Madhepura, in connection with Bihariganj P.S. Case No.39 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. So far as petitioner No.2, namely, Anup Yadav, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.2, therefore the bail application of the petitioner No.2 is hereby rejected.

(Dr. Anshuman, J.)

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