

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23309 of 2025

Arising Out of PS. Case No.-212 Year-2024 Thana- PHULWARIA District- Begusarai

Md. Junaid Ansari @ Junaid Khan @ Md. Junaid Khan, aged about- 40 Years,
Male, Son of- Md. Wahid Khan, Resident of Village - Deona, Tiltrath, P.S. -
Barauni, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jawed Gaffar Khan, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Jawed Gaffar Khan, learned counsel
appearing on behalf of the petitioner and Mr. Pranav Kumar ,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Phulwaria P.S. Case No. 212 of 2024 registered for the
offence punishable under Section 30 (a), 32(2), 33, 36, 41(1)
and 42(2) of the Bihar Prohibition and Excise Act as amended
up-to-date.

3. Allegation is of recovery of 44280 litres of Ethanol
sprite from a tank lorry bearing Registration No. UP 15 FT
3741, parked in the campus of one Manimala Devi.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner has been falsely



implicated in the present case. Petitioner has no concern with the tank lorry from which huge quantity of ethanol was recovered or with the Manimala Devi in whose campus the tank lorry was parked, nor he is involved in trade of liquor in any manner. The owner of the tank lorry is Madhu Transport Constructions and one Rajnish Jain has been named as the order of the said transport company. Similarly situated co-accused, namely, Md. Akbar Khan has been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 02.04.2025 passed in Cr. Misc. No. 14577 of 2025. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the FIR itself



disclose that the owner of the tank lorry is one Madhu Transport Construction Company and one Rajnish Jain has been named as the owner of the said transport company. Petitioner has submitted that he has no concern with the tank lorry from which huge quantity of ethanol were recovered or with the Manimala Devi in whose campus the tank lorry was parked, nor he is involved in trade of liquor in any manner. Similarly situated co-accused, namely, Md. Akbar Khan has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 02.04.2025 passed in Cr. Misc. No. 14577 of 2025. Petitioner has clan antecedent. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge- I, Begusarai, in connection with Phulwaria P.S. Case No. 212 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

8. The learned District Court is directed to verify



the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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