

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31463 of 2025

Arising Out of PS. Case No.-186 Year-2024 Thana- BARGAINIA District- Sitamarhi

Bablu Srivastav @ Mayank Srivastav @ Mayanak Srivastav Son of Shashi
Bhushan Srivastav @ Guddu Srivastava Village - Dumarwana ward no. 20,
P.S. - Bairgania, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bargainia P.S. Case No. 186 of 2024, registered for the offences punishable under Sections 30(a), 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in trafficking of illicit wine. The police on secret information tried to intercept the persons, who were coming on three motorcycles. However, noticing the police party, they succeeded in fleeing away, after leaving their motorcycles. On search, total 281.4 litres Nepali saufi liquor was recovered from four bags kept on three motorcycles.



4. Learned Advocate for the petitioner contended that the petitioner has neither any concern with the motorcycle in question nor with the illicit wine. Save and except the disclosure made by the local Chowkidar, there is no material suggesting the complicity of the petitioner in the crime. Moreover, the very identification of the petitioner by the local Chowkidar does not inspire confidence for the simple reason that he is not the witness to the search and seizure. It is further contended that other co-accused persons having identical allegation and whose name has also been disclosed by the local Chowkidar, they have been accorded the privilege of anticipatory bail by a Bench of this Court in Cr. Misc. No. 71758 of 2024 and Cr. Misc. No. 84617 of 2024, copies of which have been marked as Annexures P/2 and P/3. The reason behind false implication of the petitioner is that he carries two criminal antecedent of identical nature, however he is on bail in both the cases.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the motorcycle in question nor with the recovered illicit wine and the case of the petitioner is



based on parity as also the fact that there is no ingredients attracting the rigors provided under Sections 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Sitamarhi in connection with Bargainia P.S. Case No. 186 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

