

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50835 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- AURAI District- Muzaffarpur

1. Mukesh Kumar S/O Sakaldev Ray R/O Village- Devkuli, Ward No. 3, P.S- Aurai, Distt.- Muzaffarpur.
2. Rupesh Kumar @ Rupesh Kuamr S/O Sakaldev Ray R/O Village- Devkuli, Ward No. 3, P.S- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the informant 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 petitioners who apprehend arrest in connection with Aurai P.S. Case No. 108 of 2025, lodged on 30.05.2025, under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, pending in the Court of Exclusive Special Judge, Excise Court No.II, Muzaffarpur.

3. As per the prosecution, total recovery of 405.360 litres of foreign liquor has been made which is the subject



matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that antecedent of the petitioners are not clean. There are two criminal cases pending against the petitioners. Counsel submits that they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that antecedent of the petitioners are not clean.

6. Considering the criminal antecedents of the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, anticipatory bail application of petitioners is hereby rejected. However, in the event of surrender of the petitioners within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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