

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64229 of 2025**

Arising Out of PS. Case No.-337 Year-2025 Thana- SARAIYA District- Muzaffarpur

Bablu Yadav @ Bablu Kumar, S/o- Vimal Ray, Village- Mungauli PS- Saraiya
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64282 of 2025

Arising Out of PS. Case No.-337 Year-2025 Thana- SARAIYA District- Muzaffarpur

Anand Kumar @ Anand Kumar Mahto, Son of Jagdish Mahto, Resident of
Village – Mungauli, PS -Saraiya Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64229 of 2025)

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 64282 of 2025)

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 24-09-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection
with Saraiya P.S. Case No.337 of 2025 registered for the
offences punishable under Sections 281, 324(5) and 132 of the
BNS, 2023 and Section 30(a) of the Bihar Prohibition and



Excise Act, 2022 (Amended).

3. The allegation against the petitioners is of involved in trafficking of illicit wine; the police, on a secret information regarding coming of a consignment of illicit wine through a Truck by the petitioners, reached at the place of occurrence. Having noticed a Bolero bearing registration no. BR9E-2106, which was being driven by co-accused Abdul Ahad so recklessly, the police tried to intercept the same but it collided with a diversion. In course of search, 323.250 lts. of illicit liquor and beer were recovered. The apprehended person disclosed the name of the petitioners as consignor of the illicit wine.

4. Learned Advocate for the petitioners contended that the name of the petitioners has been implicated in this case only on account of having past criminal antecedents on their credit; there is no material suggesting complicity of the petitioners in crime. The recovery has been made from a Bolero vehicle with which the petitioners have no concern. Save and except the disclosure made by the apprehended person, there is no material. In the aforesaid premise, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2026') is not attracted, is the contention of the learned Advocate for the petitioners.

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



6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that nothing has been recovered from the whereabouts of the petitioners; besides, they have no concern with the vehicle in question as also the settled position that mere criminal antecedent of a person cannot be the sole ground to reject the prayer for anticipatory bail; however, antecedent can be one of the factors alongside the other materials, which are lacking in the present case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Judge, Excise-II, Muzaffarpur in connection with Saraiya P.S. Case No.337 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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