

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66729 of 2024

Arising Out of PS. Case No.-237 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Phool Kumar Mandal Son of Shree Narayan Mandal Village- Baghanochi,
P.S.- Baheri Dist.- Dharbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with

Mohania P.S. Case No. 237 of 2021 registered for the

offences punishable under Sections 30(a), 36 and 41(i) of

the Bihar Prohibition and Excise Act and Sections 467, 468,

471 and 420 of the IPC.

3. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 3777.8 litres of IMFL/country



made liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that the fact of this case as it appears from the bare perusal of FIR is sufficient to suggest that the alleged recovery of the illicit liquor was not made from the conscious physical possession of this petitioner and only as the cash of Rs. 49,500/- was transferred by petitioner to the bank account of co-accused for whom the consignment was in transit, the petitioner was implicated with the present case. It is also submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise No. 1, Kaimur at Bhabhua/concerned Court below where the case is pending in connection with Mohania P.S. Case No. 237 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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