

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.966 of 2025

Arising Out of PS. Case No.-1933 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Sanjay Mahto S/O Lalu Mahto Resident of Village- Mohanpur, P.S- Sakra,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2025 Heard Mr. Krishna Prabhat, learned counsel

appearing on behalf of the petitioner and Ms. Pushpa Sinha,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Muzaffarpur Excise P.S. Case No. 1933 of 2024 registered
under Section(s) 30(a) and 32(3) of the Bihar Prohibition &
Excise Act 2022 (Amended).

3. As per the allegation made in the FIR, total 218.88
liters of illicit liquor was recovered from petitioner's house.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner has no concern
with the alleged seized liquor. The alleged recovery of illicit
liquor was made from the house of the petitioner, when no one



was present in the house and it was locked and the liquor was lying in open space. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that the State has totally failed to check the smuggling, manufacturing and selling of illicit liquor in the State of Bihar and the recovery was made from an open place, 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 arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Judge Excise Court No.02, Muzaffarpur in connection with Muzaffarpur Excise P.S. Case No. 1933 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



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)

Ashishsingh/-

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

