

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3697 of 2025

Arising Out of PS. Case No.-127 Year-2024 Thana- MAHINDWARA District- Sitamarhi

Bhola Thakur @ Bhola Kumar S/O Bhikhari Thakur R/o Village-
Goshanagar, P.S.- Mahindwara, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-01-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mahindawara Police Station Case No. 127 of 2024, dated 07.09.2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The prosecution case, as per the First Information Report, is that on 07.09.2024, the police, upon secret information that the petitioner and other accused persons having kept liquor in a hut situated in a mango orchard of one Keshav Singh, reached at the place of occurrence. Upon seeing the police party, three persons started fleeing away and succeeded in fleeing away. Upon search, a total of 177.48



liters of illicit liquor has been recovered and seized from the hut.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. The petitioner is not having any criminal antecedent and his name has transpired on the basis of disclosure by the Mahal Chowkidar. He next submits that illicit liquor has not been recovered from the premises belonging to the petitioner, but the same has been recovered from mango orchard, which is open and accessible to all and sundry.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent, illicit liquor has not been recovered from the premises owned by the petitioner and the same has been recovered from the hut situated in the mango orchard, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail 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 Special Excise Court I, Sitamarhi, in connection with Mahindwara Police Station Case No. 127 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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