

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11415 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- MEHSI District- East Champaran

- 1 . Om Prakash Chaurasiya S/O Late Bharat Bhagat Resident of village - Tadapakar, P.S- Mehsi, District - East Champaran.
2. Vikash Kumar S/O Late Bharat Bhagat Resident of village - Tadapakar, P.S- Mehsi, District - East Champaran.
- 3 . Lalbabu Sahani S/O Hari Shankar Sahani Resident of village - Tadapakar, P.S- Mehsi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-03-2025 Learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application with regard to petitioner No. 1 as during pendency of the case, he has already been arrested.

2. Permission is granted.

3 . This anticipatory bail application with regard to petitioner No. 1 is, accordingly, dismissed as withdrawn .

4. Heard learned counsel for the petitioner Nos. 2 and 3 and the State .

5 . Petitioner No. 2 apprehends arrest in a case



registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

6. As per prosecution case , 100 liters of country made liquor was recovered from the hut of petitioner No. 2.

7. Learned counsel for the petitioners submits that no incriminating material has been recovered from conscious possession of these petitioners and the have been made accused only on suspicion .

8 . Learned counsel for the State opposed and submitted that the recovery has been made from the house of the petitioner No. 2, as such, his prayer for pre-arrest bail petition deserved to be refused in view of Full Bench decision of this Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in ***2019(2) P.L.J.R. 1089 (F.B.)***.

9. Considering the aforesaid decision of this Court, this pre-arrest bail petition of petitioner No. 2 is rejected.

10 . Considering the aforesaid facts, clean antecedent of petitioner No. 3 and other circumstances of the case , this anticipatory bail is allowed and it is ordered that let the above named petitioner No. 3 in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 3 , East Champaran, Motihari in connection with Mehshi P . S. Case No. 202 of 2024 subject to condition as laid down under Section section 482 (2) of BNSS 2023 .

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

