

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11644 of 2025

Arising Out of PS. Case No.-75 Year-2024 Thana- Garahara District- Begusarai

Dhiraj Kumar @ Dhiraj Mahto S/o- Arjun Mahto Village- Thakurichal Ward
No-3, Near Devi Asthan, Thakurichak, P S-Garahara District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-04-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Garhara PS case no. 75 of 2024 dated
17.12.2024, disclosing offences punishable under Section
30(a) of Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First
Information report, is that on 17.12.2024, police got secret
information that some persons have kept foreign liquor in a
bag in the banana orchard situated in front of house of Shiv
Shankar Rai. Upon information, police reached near the place
of occurrence and on seeing the police, 4-5 persons started
fleeing away and succeeded in the same. The police recovered



62.64 liters of foreign liquor from the banana orchard. The name of the petitioner and others was disclosed by the spy and the local people.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and has been made accused on the basis of disclosure of his name by spy and local people. He further submits that illicit liquor has not been recovered from the conscious possession and/ or from the premises belonging to the petitioner but the same has been recovered from the banana orchard, which is an open space accessible to everyone.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from the premises belonging to the petitioner, however the same has been recovered from an open space, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released 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 Exclusive Special Judge, Excise Act-
1st, Begusarai in connection with Garhara PS case no. 75 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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