

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11733 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- Sonki District- Darbhanga

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1. DINESH MANDAL @ BHOLA MANDAL S/o- RAM PRASAD MANDAL @ FAKIRI MANDAL Resident of Village- Bhuiyan Asthan Police Station- Sadar District-Darbhangha
 2. Umesh Mandal S/o- Ram Prasad Mandal @ Fakiri Mandal Resident of Village- Bhuiyan Asthan Police Station- Sadar District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-04-2025 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no. 1 with liberty to surrender and seek regular bail.
3. Permission is granted.
4. The application, in respect of the petitioner no. 1 is, accordingly, dismissed as withdrawn with aforesaid liberty.
5. Insofar as petitioner no. 2 is concerned, this application for grant of anticipatory bail arises out of Sonki Police Station Case No. 86 of 2024, dated 15.10.2024, disclosing



offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

6. The prosecution case, as per the First Information Report, is that on 15.10.2024, the police got secret information that one Vijay Mandal and Dinesh Mandal, along with their brothers and other accomplices, have brought consignment of Nepali liquor and have kept it near cremation ghat. On such information the police reached near the place of occurrence and upon seeing the police party 4 to 5 persons fled away. Upon search, the police recovered 315 liters of Nepali liquor from the bush situated near the cremation ghat.
7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has falsely been implicated in the present case on the basis of secret information received by the police from a spy. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner no. 2 and/or from the premises belonging to him. Rather, illicit liquor has been recovered from near cremation ghat, which is an open space accessible to all and sundry.
8. Regards being had to the submission made by the parties



and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner no. 2, rather, the same has been recovered from open space accessible to all and sundry, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

9. This application in respect of petitioner no. 2 is, accordingly, allowed.
10. Let the petitioner no. 2, Umesh Mandal, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge I (Excise Act), Darbhanga, in connection with Sonki Police Station Case No. 86 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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