

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19459 of 2025

Arising Out of PS. Case No.-315 Year-2022 Thana- Excise P.S. District- Lakhisarai

1. Dilip Kumar S/O Rajo Yadav Resident of Village- Gaushganj, P.S.- Tetarhat, District- Lakhisarai
2. Nandan Kumar @ Khaho S/O Janardan Mahto Resident of Village- Gaushganj, P.S.- Tetarhat, District- Lakhisarai
3. Chunnu Kumar Son of Rajo Mahto @ Rajendra Mahto Resident of Village- Gaushganj, P.S.- Tetarhat, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Excise P.S. Case No.315c2 of 2022 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, there is recovery of 19.380 liters of foreign liquor have been made from forest area, which is subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He



submits that the petitioners' name have been inserted in this case by virtue of confessional statement of local persons. He further submits that petitioners have been falsely implicated in this case. Nothing has been recovered from conscious possession of the petitioners.

5. Counsel submits that the criminal antecedent of the petitioner Nos.1 and 3 is clean and petitioner No.2 has one criminal antecedent.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioner Nos.1 and 3 have clean antecedent and petitioner No.2 has one criminal antecedent.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner Nos.1 and 3 namely, Dilip Kumar and Chunnu Kumar, be granted bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of Addl. District and Sessions Judge Iind cum- Special Excise Court 2nd, Lakhisarai in connection with Lakhisarai P.S. Case No.315c2 of 2022, subject to the following conditions as laid down under Section



438(2) of Cr.P.C.

8. So far as the petitioner No.2, namely, Nandan Kumar, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.2, therefore the bail application of the petitioner No.2 is hereby rejected.

9. However, trial court is directed to consider the regular bail application of the petitioner No.2, namely, Nandan Kumar, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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