

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23947 of 2025**

Arising Out of PS. Case No.-148 Year-2024 Thana- LAKHAURA District- East Champaran

Mithlesh Kumar @ Mithilesh Sahani Son of Sajawal Sahni @ Sajawal Sahai  
Resident of Village - Ajgarwa, P.S.- Lakhaura, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      06-05-2025                      Heard Learned Counsel for the petitioner and Learned  
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Lakhaura P.S. Case No. 148 of 2024 lodged on 18.10.2024, for the offence punishable under Sections 30(a), 32 & 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. Total recovery of 50 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the alleged recovery has been made from an orchard and nothing has been recovered from the petitioner's possession and therefore no ingredients of Excise Act is made out against the petitioner. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is of Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is hereby directed to the petitioner to surrender before the Trial Court within a period of six weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that whether ingredients of Excise Act is made out against petitioner or not, without being prejudice that the anticipatory bail of the



petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

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