

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26654 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- JAYNAGAR District- Madhubani

1. Dasai Mandal S/o Late Janak Mandal R/o vill - Dullipatti, P.S.- Jaynagar, Distt.- Madhubani
2. Ganesh Mandal S/o Ram Dayal Mandal R/o vill - Dullipatti, P.S.- Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 33.4 litres illicit liquor was recovered from two plastic bags kept in the straw house of petitioner No. 1 and 24.75 litres illicit liquor was recovered from the firewood kept inside the house of petitioner No. 2.

4. Learned counsel for the petitioners submits that no incriminating material has been recovered from conscious possession of these petitioners and they are not concerned with



the alleged recovery. The straw house in question is an open place, accessible to one and all. Petitioner No. 1 claims clean antecedent and petitioner No. 2 has got one criminal antecedent of similar nature in which he is on bail.

5. Learned A.P.P. for the State submits that 24.75 liters illicit liquor was recovered from the house of the petitioner No. 2 and he has got one criminal antecedent of similar nature. He further submits that petitioner No. 2 is not entitled to the privilege of anticipatory bail 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.)**.

6. Considering the aforesaid facts, anticipatory bail application of the petitioner No. 2 is rejected.

7. However, considering the nature of accusation and clean antecedent, this anticipatory bail is allowed with regard to petitioner No. 1 and it is ordered that let the above named petitioner No. 1 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Jaynagar P. S. Case No.



17 of 2025, subject to condition as laid down under Section
482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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