

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25620 of 2025

Arising Out of PS. Case No.-149 Year-2017 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Naresh Kumar @ Naresh Mahto S/o Ram Prasad Mahto @ Ramchandra
Mahto Resident of vill- Jitwarpur Nijamat, But Wrongly Mentioned in F I R
Sonelal Dhaba Ward no 6, PS- Muffasil, District- Samatipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-05-2025 1. Heard learned Counsel for the petitioner and learned
APP for the State.
2. This application, for grant of anticipatory bail, arises
out of Muffasil PS case no. 149 of 2017 dated 23.03.2017,
disclosing offences punishable under Sections 30, 36, 38, 41 of
Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information
report, is that total 18 liters of illicit Indian made foreign liquor has
been recovered from the possession of co-accused Chandan
Kumar.
4. Learned Counsel for the petitioner submits that
petitioner has falsely been implicated in this case on the basis of
disclosure made by apprehended co-accused Chandan Kumar. The



petitioner is stated to be having no criminal antecedent. He further submits that neither the illicit liquor has been recovered from the physical possession of the petitioner nor the petitioner was apprehended from the spot.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and illicit liquor has not been recovered from his conscious possession rather the same has been recovered from co-accused Chandan Kumar, 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-1, Samastipur in connection with Muffasil PS case no. 149 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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