

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30119 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- MIRGANJ District- Gopalganj

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Mohit Kumar S/O Late Birendra Prasad @ Late Birendra Jaiswal @ Late
Virendra Jaiswal Village- Ward no. 5 Behind Vyapar Mandal, Mirganj, P.S.-
Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-05-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of
Mirganj Police Station Case No. 75 of 2025, dated
17.02.2025, disclosing offence under Section 30(a) of the
Bihar Prohibition and Excise Act, 2022.
3. The prosecution case, as per the First Information Report,
is that the police, on secret information that the petitioner
and co-accused Deepak Kumar have stored liquor in
dustbin and bush at village Laxmi Nagar Colony Ward
No. 21, reached at the place of occurrence. On seeing the
the police, the two persons started fleeing away and
succeeded in it. Upon search, the police recovered



136.230 liters of foreign liquor in gunny bags kept hidden in dustbin and bush.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to oblique motive and village politics. The name of the petitioner has transpired on the basis of disclosure made by the local villagers. He next submits that illicit liquor has not been recovered from conscious possession of the petitioner and/or premises belonging to him. Rather, the same has been recovered from dustbin and bush, which is open space accessible to all and sundry. He further submits that the similarly situated co-accused Deepak Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 24632 of 2025.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the name of the petitioner has transpired on the basis of disclosure made by local villagers, illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from open space accessible to all and sundry and the similarly situated co-accused has



been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, 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 Exclusive Special Excise Court II, Gopalganj, in connection with Mirganj Police Station Case No. 75 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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