

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34117 of 2025

Arising Out of PS. Case No.-222 Year-2021 Thana- ATHMALGOLA District- Patna

Muneshwar Ram S/o- Late Vishni Ram Village- Ramnagar Diyara, P.S.
Athmalgola, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bandana Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Athmalgola P.S. Case No. 222/2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 150 liters country made Mahua liquor from Gabra/pond situated at sought of the house of Satyanarayan Rai. Local Chaukidar disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except disclosure, there is nothing on record to



demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner bears one criminal antecedent which is not similar to the present case. He further submits that place of recovery is open place which is accessible to all and the petitioner cannot be held liable for the alleged occurrence. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor and he is not in any way connected with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act. He further submits that on similar and identical allegations, co-accused Seth Rai and Pintu Rai have already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.1925/2023 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused persons have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking



into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned Special Judge Excise, Barh, Patna in connection with Athmalgola P.S. Case No. 222/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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