

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30112 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- PHENHARA District- East Champaran

INDRAJEET MAHTO S/O SITA RAM MAHTO VILLAGE- KHANPIPRA,
P.S.- PHENHARA DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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 Phenara Police Station Case No. 21 of 2025, dated 30.01.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police during patrolling got secret information that the petitioner is selling illicit liquor from his house and upon this information the police reached the place of occurrence and saw that one persons after hiding something behind his house started fleeing away. The police tried to chase, but the person fled away taking



advantage of darkness. Upon search, the police recovered 35 liters of country made liquor from bush behind the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner she has falsely been implicated in the present case due to village politics. The name of the petitioner has transpired on the basis of disclosure by the local chowkidar. He next submits that illicit liquor has not been been recovered from the conscious possession of the petitioner and/or premises belonging to him. Rather, the same has been recovered from bush behind his house, which is open space accessible to all and sundry.
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 by local chowkidar and 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, 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 III, East Champaran, Motihari, in connection with Phenara Police Station Case No. 21 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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