

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28742 of 2025

Arising Out of PS. Case No.-264 Year-2023 Thana- KHANPURA District- Samastipur

Babulal Mahto @ Babulal Singh S/o- Sunil Kumar Mahto Village- Madhutol
Ward no 11 PS- Khanpur District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parvin Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner as well as
counsel for the respondent-State.

2. This is the first anticipatory bail application preferred by the petitioner to apprehend his arrest in connection with Khanpur P.S. Case No. 264 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. According to the case of prosecution, on 02.10.2023 at about 02:10 P.M., on the basis of information received by the informant the ASI of Khanpur P.S. along with his team of police officials reached the spot and house of the co-accused Kamalu Saha was searched, on being searched total 52 bottles of liquor whose total quantity was 19.500 litres was recovered from the house. It is alleged that at that time the



present applicant and two other accused persons were also present there and on seeing the police party they fled away from the spot. The name of the present applicant has been disclosed by the chowkidar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and is falsely implicated in this case only on the basis of submission made by the chowkidar. He further submits that the applicant was not present at the spot and due to some previous dispute the chowkidar make his name. Lastly, he submits that the liquor was seized from the house of Kamalu Saha and not from the possession of the present applicant and there is no connection of this applicant with Kamalu Sahu or his house. Therefore it is prayed that the offence under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022 can not be made out against the petitioner. Thus, he prays that on these grounds, he may be granted benefit of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the submissions put forth by both the counsels and particularly considering the fact that the liquor was not seized from the possession of the applicant herein, without commenting other merits of the case, I am of the view that the



petitioner should be granted the benefit of anticipatory bail. Accordingly, the petition is allowed. The petitioner is directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court no. -1 Samastipur in connection with Khanpur P.S. Case No. 264 of 2023 subjects to the conditions as laid down under Section 482 of the Bharatiya Nagarik Suraksha Sanhita.

(Arvind Singh Chandel , J)

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