

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34868 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- KHODAWANDPUR District- Begusarai

Pawan Kumar @ Pawan Mahto S/o Ram Badan Mahto Resident of Village-
Tola Patla(Amari), Ward No. 14, P.S.- Chhourahi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Khodawandpur P.S. Case No. 15 of 2025 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, on secret information that Nilesh Kumar, Ganesh Kumar and Pawan Mahto (petitioner) are carrying illicit liquor on a bus standing in front of Sunaina Cold Storage, Daulatpur Chowk, police reached at the place of occurrence. Three persons are alleged to have fled away from the place of occurrence. There is alleged recovery of 31.8 liters illicit liquor from the dickey of the Bus in question.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. The name of petitioner has surfaced on the basis of secret information but the source of information has not been disclosed in the F.I.R. which questions the authenticity of the F.I.R. Learned counsel orally submits that petitioner is not the owner of the Bus in question. The alleged recovery is from the dickey of the Bus in question which was returning from Kumbh Fair, Prayagraj and petitioner has no knowledge or concern with the alleged recovery. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of one case in which he is already on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Learned counsel for the petitioner submits that co-accused Ganesh Kumar, having similar and identical allegations, has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 29689 of 2025 and on the principle of parity, petitioner deserves the same treatment.

5. The learned A.P.P. for the State vehemently



opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused has 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge I, Begisara in connection with Khodawandpur P.S. Case No. 15 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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