

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33162 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- PARBATTa District- Khagaria

Mangal Kumar Son of Buchay Chaudhary @ Jai Narayan Resident of village
- Mathurapur, P.S.- Parbatta, District - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shakti Suman Kumar, Advocate
		Mr.Rajesh Ranjan, Advocate
For the Opposite Party/s	:	Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Parbatta P.S. Case No. 27 of 2025 registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 3072 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. At the outset, it is submitted by learned counsel for the petitioner that petitioner is a man of clean antecedent and it was wrongly mentioned in impugned order that he was



involved in one more criminal case of similar nature. It is submitted that this fact clarified in para '3' of the present present.

5. It is submitted by learned counsel appearing for the petitioner that on the basis of disclosure made by apprehended co-accused person namely, Abhijit Kumar, the name of petitioner transpired in this case, where seizure list itself sufficient to suggest that recovery was not made from physical possession of this petitioner, who is a man of clean antecedent.

6. It is submitted that similarly situated co-accused person namely, Pawan Kumar has already been granted privilege of provisional anticipatory bail by one of the learned coordinate Bench of this Court in Cr. Misc. No. 28690 of 2025 dated 07.05.2025.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of



this petitioner, who claimed to be a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Khagaria, in connection with Parbatta P.S. Case No. 27 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition that:

(i) That learned trial court/special court shall verify the criminal antecedent of the petitioner before accepting the bail bond, and, if it is found that petitioner has involved in any other criminal case of similar nature or otherwise contrary to the statement of learned counsel that he is a man of clean antecedent, the bail bond of the petitioner shall not be accepted.

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

