

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32675 of 2025

Arising Out of PS. Case No.-136 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Gopal Kumar @ Gopal Prasad Mahto S/o- Pramod Mahto Village -
Mahmadpur Sakra , Police Station - Bibhutipur , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Lalan KUMar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Bibhutipur P.S. Case No. 136 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there s alleged recovery of 135 liters illicit liquor from Mushtafapur Baraiya Gachhi. The local chowkidar disclosed the name of the petitioner who is said to have 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 first information report and he has been falsely implicated in this case. The alleged place of recovery i.e. Gachhi does not



belong to the petitioner. The alleged place of occurrence from where the alleged recovery has been made is an open place and petitioner cannot be held liable for the alleged recovery. There is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of one case. 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.

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, 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 Excise I, Samastipur in connection with Bibhutipur P.S. Case No. 136 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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