

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32409 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- MEHSI District- East Champaran

Mukesh Kumar S/o Late Bhikhari Sah R/o Village- Mohabbat Chhapra, P.S.-
Mehsi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Mehsi P.S. Case No. 49 of 2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, informant got secret information that petitioner and other are said to have brought illicit liquor and were trying to hide it. On receipt of such information, informant along with police office reached at the place of occurrence and 66.750 litre illicit liquor was recovered from the bamboo orchard of the Tuntun Singh.

4. Learned counsel for the petitioner submits that petitioner is not the owner of the bamboo orchard from where



the alleged recovery was made. Petitioner has no concern with the recovered liquor. He further submits that petitioner is not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner has falsely been implicated in this case on the basis of secret information but source of secret information has not been divulged in the FIR which questions the authenticity of the FIR. Learned counsel further submits that the place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the same. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner.

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, keeping in view clean antecedent of petitioner, 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 his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special
Excise Court No.3, East Champaran, Motihari in connection
with Mehsi P.S. Case No. 49 of 2025, subject to the conditions
as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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