

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32421 of 2025

Arising Out of PS. Case No.-12 Year-2020 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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Mahendra Ram S/o Bishundeo Ram R/o Vill- Murwariya @ Morwariya, P.S.-
Korma, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sheo Nandan Prasad, Adv. Ms.Shweta Burnwal, Adv. Mr.Rajnish Kumar, Adv.
For the Opposite Party/s :		Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-05-2025 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in para 14 of the petition.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Sheikhpura Excise P.S. Case No. 12 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on secret information that petitioner is involved in preparation of illicit liquor, police reached at the place of occurrence. On seeing police, one person fled away from the place of occurrence taking advantage of



darkness. Police said to have recovered 30 liters illicit country made liquor from the bank of Dharohar river.

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 place from where the alleged recovery of illicit country made liquor has been made is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Nothing has been recovered from the possession of the petitioner. Learned counsel submits that petitioner was suffering from illness in the long pandemic period so he took loan from his relative and thereafter he went outside the State to earn money and he had no knowledge about the present case lodged against him. It is further submitted that present case has been lodged against the petitioner on secret information due to local politics. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence. Petitioner bears criminal antecedent of two cases in which he is already on bail and the present case is not similar to the earlier cases lodged against him. 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 Excise Court, Sheikhpura in connection with Sheikhpura Excise P.S. Case No. 12 of 2020, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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