

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36791 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- AAJAM NAGAR District- Katihar

Mithlesh Kumar Mandal, Age-33 Yrs, Male, S/o Jagdish Mandal, R/o -
Gauriganj, Sagrath, P.S.- Kadwa, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-06-2025 Heard Mr. Sanjeev Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Akbar Ali, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Azamnagar P.S. Case No. 404 of 2024 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, 20 litres of
illicit liquor was recovered from a motorcycle bearing
Registration No. BR-39AD-2330 belonging to the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. He further submitted that
petitioner has been made accused being the owner of the said



motorcycle. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and the said motorcycle was being driven by his neighbour, which was given to him by the petitioner's family in good faith and petitioner had no idea that he was carrying liquor on the said motorcycle. Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that petitioner is not named in the FIR and his name has transpired in course of investigation on the basis of ownership of the motorcycle from which 20 litres of illicit liquor was recovered, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of



his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Exclusive Excise Court No- 2, Katihar, in connection with Azamnagar P.S. Case No. 404 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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