

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37410 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- NAYA RAM NAGAR District- Munger

SUMER SAWANT S/o- Mahesh Mandal @ Mahesh Prasad Mandal Village-
Garhi Ps- Naya Ram Nagar Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-06-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Naya Ram Nagar Police Station Case No. 14 of 2025, dated 26.02.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police, on secret information that co-accused Anil Mandal, along with the petitioner, is selling illicit liquor from his garden in village Gadi, reached at the place of occurrence. Upon seeing the police party all the persons present there started fleeing away and succeeded in the same. Upon search, the police recovered total 9.750



liters of country made liquor in yellow coloured sack from the garden of co-accused Anil Mandal.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to village politics. He next submits that the petitioner was not present at the place of occurrence and his name has transpired on the basis of disclosure by local villagers. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. Rather, illicit liquor has been recovered from garden of co-accused Anil Mandal which is open space accessible to all and sundry. The petitioner has got no criminal antecedent.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is having no criminal antecedent, name of the petitioner has transpired on the basis of disclosure by local villagers and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from open space accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise II, Munger, in connection with Naya Ram Nagar Police Station Case No. 14 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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