

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37913 of 2025

Arising Out of PS. Case No.-452 Year-2024 Thana- RAJNAGAR District- Madhubani

Mahesh Kumar Mandal @ Mahesh Mandal @ Mahesh Mahto S/o Shambhu Mandal R/o Village- Rampatti Durga Sthan, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Rajesh Kumar, Adv.
For the State	:	Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 274, 275, 3(5) of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. A perusal of the FIR and the seizure list would show that 180 litres of Nepali country made liquor and 30.780 litres of Nepali foreign liquor have been recovered from a lane near the pond.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case on account of the fact that there was a secret information that this petitioner



was amongst the persons who had fled away from the place of occurrence and were also involved in the trade of illicit liquor. As a matter of fact, there is no recovery from the physical and conscious possession of the petitioner and the place of recovery is rather an open place which is easily accessible to all. It is further submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has two criminal antecedents of similar nature. In response to the same, it is submitted on behalf of the petitioner that he is on bail in both the cases.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. 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 lower Court where the case is pending/successor Court in connection with Rajnagar P.S. Case No. 452 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and



also subject to the following conditions that:

(I) One of the bailors will be a family member or a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The petitioner would appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till charge sheet is submitted against him.

(Soni Shrivastava, J)

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