

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43771 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- JAYNAGAR District- Madhubani

Ashok Mandal Son of Ganeshi Mandal R/o Village- Kuar Kunwar Tol, P.S.-
Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with G.R. No.279 of 2025 arising out of Jaynagar P.S. Case No. 60 of 2025 lodged on 03.03.2025, for the offence punishable under Sections 274, 275 & 317(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Additional District Judge II-cum-Special Judge, Excise Act, Madhubani.

3. As per the prosecution, FIR has been lodged against the present petitioner and owners of two vehicles. Total recovery of 747 litres of illicit liquor has been made which is the subject matter of the present case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and the said recovery has been made from the motorcycles which does not belong to the petitioner. Counsel submits that the petitioner was not apprehended from the place of occurrence and he has falsely been implicated in this case. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that whether



ingredients of Excise Act is made out against petitioner in this case or not, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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