

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41149 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- RAMGARHWA District- East
Champaran

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1. Amarjeet @ Mithun Mahto @ Mithun Kumar S/o- Dhora Mahto Resident of village- Murla P.S.- Ramgarhwa, District- East Champaran
 2. Birlal Mahto @ Birlal Kumar @ Biralal Mahto S/o- Late Amrika Mahto @ Ambica Mahato @ Amerika Mahto Resident of village- Murla P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2025 At the outset, learned counsel for the petitioners seek permission to withdraw the anticipatory bail petition regarding petitioner no. 2 as the petitioner no. 2 has been taken into custody during the pendency of the application.

2. Permission is granted.

3. Accordingly, the anticipatory bail petition regarding petitioner no. 2, namely, Birlal Mahto @ Birlal Kumar @ Biralal Mahto stands dismissed as withdrawn.

4. Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing on behalf of the State.

5. The petitioner no. 1 apprehends his arrest in a case registered for the offence punishable under Sections 30(a) and



41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

6. As per prosecution case, 90 litres of illicit liquor was recovered from an open place.

7. It is submitted by learned counsel appearing on behalf of the petitioner that local *chawkidaar* disclosed the name of this petitioner no. 1. No incriminating article has been recovered from conscious possession of this petitioner and he has falsely been implicated in this case merely on suspicion. The alleged illicit liquor has been recovered from an open place, which is accessible to one and all. Petitioner no. 1 claims clean antecedent.

8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

9. Considering the nature of accusation and the fact that no incriminating article has been recovered from conscious possession of this petitioner no. 1, the prayer for grant of anticipatory bail to the petitioner no. 1 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner no. 1 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Court No. 3, East Champaran at Motihari in connection with
Ramgarhwa P.S. Case No. 112 of 2025, subject to condition as
laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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