

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44291 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- RAJNAGAR District- Madhubani

Kamlesh Mandal @ Kamlesh Kumar Mandal Son of Shivjee Mandal Village-
Balat PS- Rajnagar Distt -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, 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.326 of 2025 arising out of Rajnagar P.S. Case No. 86 of 2025 lodged on 10.03.2025, for the offence punishable under Sections 274, 275 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with sections 30(a) & 47 of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of District & Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioner, five



unknown persons and one owner of vehicle. Total recovery of 1535.640 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 name of petitioner has figured in this case only by virtue of confessional statement of apprehended accused person. Counsel further submits that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that huge quantity of liquor has been recovered in this case. Counsel also submits that from the record, it transpires that the petitioner has no criminal antecedent.

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 with liberty that 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 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)

Divyansh/-

U		T	
---	--	---	--

