

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44868 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- Excise P.S. District- Madhubani

Prahlad Jha @ Prahlad Kumar Jha S/O Late Amarkant Jha R/O Village-
Mangrauni, P.S.-Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of seven cases and allegation is of
recovery of 41.2 litres of liquor from a thatched house and an
orchard.

4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted
that petitioner is not the owner of the thatched house or the
orchard but came to be implicated at the instance of the local
person but then the name of the person who disclosed the name



of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that the since the petitioner has criminal antecedent as such the police in a mechanical manner implicate under the Excise Act for ulterior reason without holding proper investigation of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.35,000/- (Rupees Thirty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with G.O. Case No. 248 of 2025 arising out of Madhubani Sadar Excise P.S. Case No. 74 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than seven



cases, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has antecedent of only seven cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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