

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53585 of 2025

Arising Out of PS. Case No.-551 Year-2023 Thana- Excise P.S. District- Madhepura

Bhim Mandal S/o Dasrath Mandal R/o Village- Sukhasan Chakala Ward No.
03, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-11-2025 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
Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner seeks permission
for removing the defects as pointed out by the office during the
course of the day.

4. Permission is accorded.

5. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 47.25 litres of liquor from a cow-shed. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and even



alleged recovery is from a place which does not belong to the petitioner and he came to be implicated based on the confessional statement of Sukhdeo Mandal in police custody which does not have any evidentiary value. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without proper investigation either through chowkidar, local person, confessional statement or secret information.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15000/- (Rupees fifteen 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 Madhepura Excise P.S. Case No.551/2023, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the



event if it is found that petitioner has antecedent of more than three cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of three cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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