

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52254 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Excise P.S. District- Jamui

Mantosh Kumar S/O Darika Yadav @ Dwarika Yadav R/O Village- Baribag,
P.S- Khaira, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with JAM (Madhyanishedh) P.S. Case No. 32 of 2025, dated 10.01.2025, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending before the Court of Exclusive Excise Court No. II, Jamui.

3. As per the prosecution, total recovery of 100 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. He further submits that nothing was recovered from the possession of the petitioner. He further submits that the petitioner's name has figured in this case by virtue of the confessional statement of the co-accused. Additonally, he submits that the criminal antecedent



of the petitioner is not clean, as one criminal case is pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is one criminal case pending against the petitioner, and that case also pertains to the Excise Act.

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

7. It is directed to the petitioner to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day 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, considering whether the provisions of the Bihar Prohibition and Excise (Amendment) Act are attracted in this case.

(Dr. Anshuman, J.)

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