

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57343 of 2025

Arising Out of PS. Case No.-186 Year-2025 Thana- JAYNAGAR District- Madhubani

Ashok Mandal S/O Ganeshi Mandal R/O Village- Kuadh, Ward no. 05, P.S.-
Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Jaynagar P.S. Case No. 186 of 2025 registered under Sections 274, 275, 317(5) of the Bharatiya Nyaya Sanhita and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret information that petitioner is transporting huge quantity of liquor from Nepal in a white coloured four wheeler vehicle, a raid was conducted and 522 litres of illicit liquor was recovered from the Tata Aria car bearing Reg. No. TN09-BP-8078.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner has been implicated in this case merely on the secret



information. Petitioner has no concern with the seized car in question or illicit liquor. No incriminating material has been recovered from the conscious possession of the petitioner. There is no independent witness on the seizure list. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender having five criminal antecedents of similar nature. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)**, *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties, huge quantity of recovery and criminal history of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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