

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61681 of 2025

Arising Out of PS. Case No.-255 Year-2025 Thana- BANJARIA District- East Champaran

Manoj Mahto S/o Bhutai Mahto R/o Village- Chailashan Lala Tola Dhanger
Toli, P.S.- Banjariya, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Ranjan

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Banjariya P.S. Case No. 255/2025 registered for the offences punishable under Sections 274/275 of the B.N.S. and Sections 30(a) and 41 of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 10 liters country made illicit liquor from the shop of the petitioner. Local Chowkidar disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except disclosure of local Chowkidar, there is



nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner is not the owner of the said shop. He orally submits that the petitioner has inimical term with the local Chowkidar due to which he has falsely been implicated in this case. He orally submits that the petitioner bears three criminal antecedent in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 anticipatory bail on furnishing bail bond of



Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.-1, East Champaran at Motihari in connection with Banjariya P.S. Case No. 255/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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