

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61562 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- DORIGANJ District- Saran

Tulshi Mahto S/o- Lorik Mahto Village- Dyal Chak Ps-Doriganj Dist-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

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 Doriganj P.S. Case No. 55 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 33 litre foreign liquor was recovered from the heap of wheat straw (*bedhi*) which was kept behind the house of the petitioner. It is alleged that local people disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the name of local people has been disclosed which questions the authenticity of the FIR. Except disclosure of the local people,



there is nothing on recorded to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that place of recovery is an open place and petitioner cannot be held liable for the alleged recovery. He further submits that petitioner is neither owner nor care taker of the alleged heap of wheat straw (*bedhi*). Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 3rd Special Judge Excise, Saran at Chapra in connection with Doriganj P.S. Case No. 55 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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