

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64841 of 2025

Arising Out of PS. Case No.-185 Year-2025 Thana- BASANTPUR District- Siwan

1. Dhandayal Prasad Son of Mahesh Prasad Resident of Village- Magahi, P.S.- Lakri Nabiganj, District- Siwan
2. Ram Jinis Mahto @ Namnara @ Ramnara, Son of Shivnath Mahto Resident of Village- Bangra, Ps- Lakri Nabiganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Javed Aslam, learned counsel for the
petitioners and Ms. Asha Devi, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Basantpur P.S. Case No. 185 of 2025 dated 24.03.2025 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by petitioners' counsel are that the instant matter relates to the recovery of 22.140 litres of foreign liquor from the shop of the co-accused Mahendra Singh and the petitioners have no connection to the place of recovery and it is not the case of the prosecution that



the petitioners were having interest in the shop of the co-accused Mahendra Singh. It is further submitted that the petitioners have been made accused mainly on the basis of the disclosure made by some people, which is not sufficient to make them accused in connection with the alleged recovery of liquor, which is said to have been made from the shop of co-accused Mahendra Singh. It is further submitted that the petitioners bear no criminal antecedent and their past history is completely clean and they have not remained involved in any kind of offence relating to the Excise Act, therefore, the alleged offence, under which the FIR has been registered, does not attract even *prima facie* against the petitioners, so, their prayer for anticipatory bail is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP appearing for the State has opposed the prayer of the petitioners.

5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioners' fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Basantpur P.S. Case No. 185 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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