

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64778 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- MADHWAPUR District- Madhubani

Prakash Kumar, Son of Devendra Mandal, R/o Village- Hardia, Ward no. 4
P.S- Pupri, District- Sitamarhi. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kr. Pandey, Adv.

Ms. Kumari Pallavi, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Manoj Kr. Pandey, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned APP for the

State.

2. The petitioner apprehends his arrest in connection with Madhwapur P.S. Case No. 91 of 2025 dated 01.07.2025 registered for the offences punishable under sections 274 and 275 of the Bharatiya Nyaya Sanhita and section 30(a) of the Bihar Prohibition & Excise Act, (in short 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the petitioner is not alleged to be present with the apprehended co-accused Sunil Kumar and he has been made accused mainly on account of he being the registered owner of the alleged vehicle from which the alleged 19.770 litres of liquor is said to have been recovered. It is further submitted that the petitioner bears one criminal antecedent but he is on bail in the said case and the material, upon which the prosecution has based



its allegations against this petitioner, is not sufficient even *prima facie* to show the petitioner’s involvement in the alleged offence punishable under the Excise Act, under which the FIR has been registered, so, his 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 petitioner.

5. In the facts and circumstances of this case as well as considering the submissions as stated above, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Madhwapur P.S. Case No. 91 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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