

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64820 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

1. Lalgendra Mahto, S/O Late Sudarshan Mahto, Resident of Village - Dhanauti, P.S. - Siwan Muffasil (Dhanauti O.P.), District - Siwan
2. Fuliya Devi, W/O Late Sudarshan Mahto, Resident of Village - Dhanauti, P.S. - Siwan Muffasil (Dhanauti O.P.), District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Bijay Prakash Singh, learned counsel
for the petitioners and Mr. Mritunjay Kumar Nirala, learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Siwan Muffasil P.S. Case No. 339 of 2025 dated 07.05.2025 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 16 litres of country made liquor and as per the allegation, the police got an information that both the petitioners were indulged in the selling of liquor and then the police party came near the house



of the petitioners in late evening and as per further allegation, two persons upon seeing the police party managed to escape by taking advantage of darkness and further, the co-villagers gathered and disclosed the names of the petitioners as the persons who fled away and except the disclosure made by the co-villagers, there is no material to show the petitioners' involvement in the alleged offence of the Excise Act and further, in the FIR the names of the said co-villagers have not been disclosed. 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. It is lastly submitted that in the seizure memo, the place of recovery is said to be a one-storey house of the petitioners, however, in the FIR there is a different allegation, as according to the prosecution story detailed in the FIR, two persons managed to escape upon seeing the police party and they were alleged to be indulged in selling of the alleged liquor outside their house, in view of these facts, the alleged offence punishable under the Excise Act, 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 Siwan Muffasil P.S. Case No. 339 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

