

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70872 of 2025

Arising Out of PS. Case No.-154 Year-2025 Thana- KATIHAR MUFFASIL District- Katihar

Mohan Kumar Mandal Son of Mahendra Prasad Mandal Resident of Village-
Bathaili PS- Muffasil, District- Katihar. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 154/2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 47.54 liters foreign liquor from the 1st Toto in question and 34.965 liters foreign liquor from 2nd Toto in question. Driver of the 2nd Toto, Kishan Kumar apprehended on the spot who disclosed the name of driver Pappu Kumar Sah of the 1st Toto 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. The petitioner is not named in the FIR and his name



has been surfaced in this case during course of investigation as the owner of the said 2nd Toto. He further submits that the said 2nd Toto is a commercial vehicle and the petitioner has given the said Toto to driver, Kishan Kumar but he has misused the same. The petitioner has no knowledge that the said 2nd Toto is being used for carrying illicit liquor. The petitioner bears one 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. He orally submits that the petitioner is not the owner of the 1st Toto. There is no compliance of Section 103(4) of the B.N.S.S. 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. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner cannot escape from the allegation made in the FIR.



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 District Additional and Sessions Judge-cum-Exclusive Special Excise Court-II, Katihar in connection with Muffasil P.S. Case No. 154/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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