

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82176 of 2024**

Arising Out of PS. Case No.-65 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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Suraj Mahto Son of Sukul Mahto Resident of Village- Bhawanipur
Dhumnagar, P.S.- Sangarampur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Sangrampur P.S. Case No. 65 of 2024
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, four litre country made
chulai liquor was recovered near the hand pump which was
situated in the back portion of the house of the petitioner and he
succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that
the alleged recovery has been made from the back portion of the
house of the petitioner which is an open place and the same is



accessible to all and petitioner cannot be held liable for the alleged recovery. He was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. No incriminating article has been recovered from the possession of the petitioner. He has nothing to do with the alleged recovery. Learned counsel for the petitioner submits through supplementary affidavit that petitioner bears one criminal antecedent and he orally submits that the petitioner is on bail on the said 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.

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, 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 Exclusive Special
Excise Judge – I, Civil Court, East Champaran at Motihari in
connection with Sangrampur P.S. Case No. 65 of 2024, subject
to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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