

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79473 of 2025

Arising Out of PS. Case No.-269 Year-2025 Thana- Excise P.S. District- Madhubani

1. Laxman Kumar S/O Raj Kumar Mallick (Mallik) R/o Vill.- Kasiyauna, P.S - Rajnagar, District - Madhubani
2. Shankar Kumar S/O Raj Kumar Mallick (Mallik) R/o Vill.- Kasiyauna, P.S - Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Alias Ashok Karn
For the Opposite Party/s	:	Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-12-2025 1. At the very outset, learned counsel for the petitioners submits that during pendency of this anticipatory bail application, the petitioner no. 2 – Shankar Kumar has been arrested. Accordingly, he seeks permission to withdraw the prayer for grant of anticipatory bail with respect to the petitioner no. 2.
2. Permission is granted.
3. Accordingly, the application is dismissed as withdrawn qua the petitioner no. 2.
4. Heard the parties.
5. The remaining petitioner no. 1 apprehends his arrest in connection with Madhubani Sadar Excise P.S. Case No. 269 / 2025 dated 16.08.2025 registered under Sections 30(a) of the



Bihar Prohibition and Excise Amendment Act, 2016.

6. As per the first information report 60 bottles of country made liquor each containing 300 ml (totalling 18 liters) has been recovered from a bag kept on a motorcycle bearing registration no. BR32AY-0467. The police party arrested one person namely Mukesh Kumar who disclosed the name of the petitioner no. 1— Laxman Kumar as the person who managed to escape.

7. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case inasmuch as petitioners have not committed any offence in the manner alleged. The name of the petitioner no. 1 has been disclosed by the arrested co-accused Mukesh Kumar. The petitioner no. 2 / Shankar Kumar is the registered owner of the motorcycle bearing registration no. BR32AY0467. The arrested co-accused Mukesh Kumar had borrowed the motorcycle in question for purchasing goods from the market and the petitioners had no knowledge regarding transportation of illicit country made liquor being done by their motorcycle. The illicit country made liquor has not been recovered from the conscious possession of the petitioners. The petitioner no. 1 has no criminal antecedent.

8. Regard being had to the submission made by the parties,



taking into consideration the fact that illicit country made liquor has not been recovered from the conscious possession and / or vehicle belonging to the petitioner no. 1, the name of the petitioner no. 1 - Laxman Kumar has transpired in the confessional statement of the arrested co-accused / Mukesh Kumar and the petitioner no. 1 is having no criminal antecedent, accordingly , I am inclined to grant anticipatory bail to the petitioner no. 1.

9. Let the petitioner no. 1- Laxman Kumar be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Judge, Excise, Madhubani in connection with Madhubani Sadar Excise P.S. Case No. 269 / 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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