

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80012 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- Excise P.S. District- Khagaria

Rajesh Mahto Son of Ram Swarup Mahto Resident of Village- Kamalpur
Gachhi Tola Ward No. 8, P.S.- Khagaria Town, District- Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Seema Kumari

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Khagaria Excise P.S. Case No.114 of 2025 dated 25.04.2025, registered for the offences under Sections 30(a) of Bihar Prohibition and Excise Act.

3. As per the FIR, 5 liters country made liquor is said to have been recovered from a plastic bag tagged in motorcycle on the PCC road of Kamalpur Ward No.120, District-Khagaria.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case solely on the basis of secret information. No



recovery has been made from the conscious possession of the petitioner, and he has no connection with the recovered country-made liquor or the seized motorcycle. It is further submitted that the alleged recovery was made from a public road, which is an open place and cannot exclude access by the general public. Lastly, it is submitted that the petitioner has two prior criminal antecedents, in respect of which he is currently on bail.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and petitioner is in no way connected with the seized motorcycle, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, 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 Special Excise Judge-II, Khagaria, in connection with



Khagaria Excise P.S. Case No.114 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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