

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82570 of 2025

Arising Out of PS. Case No.-740 Year-2025 Thana- EXCISE KAHALGAON District-
Bhagalpur

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Gyani Mandal @ Gyandev Mandal S/o Late Bhuneshwar Mandal Resident of
Village - Lailakh, P.O - Mamalkha, P.S - Sabour, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise Kahalgaon P.S. Case No.740 of 2025, F.I.R dated 08.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant, Aditya Kumar (S.I., Excise, Kahalgaon), stated that on 07.10.2025 at 9:00 PM he received secret information that a person carrying illicit liquor would arrive at Ekchari Railway Station. Acting on this tip-off, the informant and police team reached Platform No.1, where they saw a man with a carry-bag attempting to flee.



He was apprehended and identified as Ashish Kumar Mandal. Four bags containing a total of 420 bottles (420 liters) of locally made liquor were recovered from him. Upon questioning, the accused stated that he was on his way to deliver the consignment to the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired on the basis of confessional statement of the co-accused, namely, Ashish Kumar Mandal, while this petitioner is in no way connected with the seized articles and there is no independent witness to the seizure list, which violates the mandatory provisions of search and seizure. It has next been submitted that although, the seized article was recovered from an open space, which is accessible to general public. The petitioner has been implicated merely on the basis of confessional statement of co-accused while the petitioner is in no way connected with the seized articles. It has further been submitted that the petitioner has one criminal antecedent, which is said to have been registered in the year 2022 and the petitioner is on bail in the said case.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

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 constructive possession and / or premises belonging to the petitioner and he is in no way connected with the seized articles and his name has transpired on the basis of confessional statement of the co-accused, namely, Ashish Kumar Mandal, 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 Addl. Sessions Judge IX-cum-Special Judge Excise - 1, Bhagalpur, in connection with Excise Kahalgaon P.S. Case No.740 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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