

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88538 of 2024**

Arising Out of PS. Case No.-313 Year-2024 Thana- PALASI District- Araria

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AMOD KUMAR MANDAL @ AMOD MANDAL S/O LATE GUJAR LAL  
MANDAL R/o vill - Garhhara, ward no. 9, P.S. - Palasi, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Ms.Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-01-2025                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Palasi P.S. Case No. 313 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, there is alleged recovery of 10.500 ml. of Nepali liquor from the *Bhusha Ghar* of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Nothing has been recovered



from the conscious possession of the petitioner. The alleged recovery was made from the *Bhusa Ghar* which is situated outside the house of the petitioner having no doors and Bhusa was kept there for cattle and the said place is accessible to all. Petitioner cannot be held liable for the said recovery. There is no compliance of section 103 B.N.S. 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. Petitioner bears clean antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of District and Addl.



Sessions Judge-cum-Exclusive Special Excise Judge II,  
Araria in connection with Palasi P.S. Case No. 313 of 2024,  
subject to the conditions as laid down under section 482(2)  
of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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