

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84304 of 2025

Arising Out of PS. Case No.-328 Year-2025 Thana- DIGHWARA District- Saran

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Ajay Kumar @ Ajay Mahto S/O Hartali Mahto R/o village - Nakti Devi Road,
P.s- Dighwara, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dighwara P.S. Case No.328 of 2025 dated 20.08.2025 registered for the offences under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3.As per the FIR, on receiving secret information, a raid was conducted behind the house of the petitioner. On seeing the police, the accused persons tried to flee. One person, namely Devilal Mahto, was apprehended by the police.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely implicated in the instant case only on the basis of the disclosure made by the local chaukidar. There is no recovery from the constructive



possession of the petitioner or from the house of the petitioner. The petitioner has no concern regarding the illicit liquor. It is further submitted that the procedure of law under Section 103 of the BNSS has not been followed in preparing the seizure list. Lastly, it is submitted that the petitioner has two criminal antecedents akin to the instant case and he is on bail in those cases.

5. Without accepting the guilt, learned counsel for the petitioners proposes to deposit Rs.5000 (Rupees Five Thousand) in the welfare account of the Advocate Association of the Patna High Court.

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 and/ or premises belonging to the petitioner, 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 Additional Sessions Judge-cum-Exclusive Special



Court, Excise Act-I, Saran at Chapra in connection with Dighwara P.S. Case No.328 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 and on production of the receipt showing deposit of Rs.5000/- as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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