

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88442 of 2025

Arising Out of PS. Case No.-228 Year-2025 Thana- PURAINI District- Madhepura

Mithun Kumar S/o Late Chutharu Sahani R/o vill - Puraini Jharkhand Tola,
ward no. 5, P.s.- Puraini, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pooja Prasad

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Puraini P.S. Case No. 228 of 2025, F.I.R dated 08.11.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 08.11.2025 at about 13:10 hours, the informant received secret information that the petitioner was engaged in dealing illicit liquor at Jharkhand Tola, Ward No. 05, Puraini, Madhepura. Acting on the information, a raiding team was constituted and proceeded to the spot. It is alleged that on seeing the police party, the petitioner fled away and was identified as Mithun Kumar by



local people. Upon search of the petitioner's house, the police allegedly recovered 12 litres of illegal country-made *chullai* liquor, for which seizure was made and the case was registered accordingly.

4. Learned counsel for the petitioner submits that *chullai* liquor is said to have been recovered from the house is a joint family property which is in joint possession of other family members including this petitioner. The recovery is not shown from the constructive possession of the petitioner only because of his antecedent, the petitioner has been implicated in this case while there is no independent witness to the search and seizure.

6. Without accepting the guilt, learned counsel for the petitioner proposes to deposit Rs. 5,000/- (Rupees Five Thousand) in the welfare account of Lawyers' Association Welfare Benevolent Fund, Indian Bank, Branch-LNMI, Bailey Road, Patna bearing Account No. 7801893276, IFSC Code-IDIB0001501.

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

7. 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, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 VII-cum-Special Judge Excise II, Madhepura in connection with Puraini P.S. Case No. 228 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, and on production of the receipt showing deposit of Rs. 5,000/- (Rupees Five Thousand) as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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