

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5171 of 2026

Arising Out of PS. Case No.-291 Year-2025 Thana- BIRPUR District- Supaul

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Roshan Kumar Mandal @ Raushan Kumar Mandal Son of Dorik Lal Mandal
@ Daurik Lal Mandal Resident of Village - Vishanpur Shivram, Ward No.-
06, Near Balua Thana, P.S.- Birpur (Balua Bazar O.P.), District - Supaul, State
- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-02-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case, as pleaded in the
supplementary affidavit and allegation is of recovery of 20 litres
of liquor from cattle-shed behind the house of the petitioner. It
is next submitted that petitioner was not arrested from the spot
as such nothing was recovered from his conscious possession
and cattle-shed is a place outside the house and thus is
accessible to villagers at large. It is next submitted that no



prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that it appears that someone inimical to the family concealed meager amount of liquor with an intent to implicate the entire family members and he came to be implicated based on confessional statement of Sonu in police custody which does not have any evidentiary value. It is further submitted that Sonu is maternal nephew of the petitioner and he in order to save himself falsely implicated the petitioner in the instant case and the police in mechanical manner implicated him without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Birpur (B.B.) P.S. Case No.291/2025, subject to the conditions as laid



down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.5000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

8. The office is directed to trace the supplementary affidavit and annex the same with the record.

(Satyavrat Verma, J)

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