

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12906 of 2026

Arising Out of PS. Case No.-50 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

Radheyshyam Mandal @ Radhey Shyam Mandal S/O Nago Mandal @
Nageshwar Mandal R/O Village- Dubhi- Subhi, P.O- Naya Tola, P.S- Puraini,
Distt.- Madhepura, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Saurav, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 153 litres of liquor from a corn field situated near a
bus stand. It is next submitted that petitioner was not arrested
from the spot, as such, nothing was recovered from his
conscious possession and even alleged recovery is from a place
which does not belong to the petitioner and he came to be
implicated at the instance of local person but then name of the



person, who disclosed the name of the petitioner, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that police in order to save the real culprits falsely implicates either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is reiterated and submitted that petitioner is a person with clean antecedent.

4. Learned A.P.P. opposes the anticipatory bail application.

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, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Exclusive Special Judge Excise-II, Madhepura in connection with Udakishunganj Prohibition P.S. Case No.50 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.



7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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