

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18346 of 2017**

Arising Out of PS.Case No. -753 Year- 2016 Thana -MUZAFFARPUR TOWN District-  
MUZAFFARPUR

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1. GORAKA MAHTO @ SURESH MAHTO @ GORKHA MAHTO Son  
of Baidhnath Mahto Resident of Mohalla - Purani Gudri Bazar Road,  
Bhawani Singh Marg, P.S. - Town, District - Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. P.M. Manohar Prasad

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      03-05-2017              The petitioner is apprehending his arrest in connection  
with Town P.S. Case No. 753 of 2016, registered for offences  
punishable under Section 290 Indian Penal Code and Section 30(a)  
of Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of sixty litres of country made  
liquor from the shop of the petitioner.

It has been submitted on behalf of the petitioner that he  
has falsely been implicated in this case and nothing has been  
recovered from conscious possession of the petitioner and the  
seized article does not belong to the petitioner.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that huge



quantity of liquor has been recovered from the shop of the petitioner and also in view of Section 76(2) of Bihar Excise Act, the present application of petitioner for grant of anticipatory bail is not maintainable, let petitioner surrender before the Court below and pray for regular bail and if any such application is filed, the court below after considering the above submissions of learned counsel for the petitioner, shall pass an appropriate order on the merit of the case, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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