

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2395 of 2025**

Arising Out of PS. Case No.-319 Year-2023 Thana- BAHERA District- Darbhanga

Laxman Mahto, Son of Shivjee Mahto, Resident of Village- Gopalpur, PS-
Manigachi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Shah Nawaz Ali, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-02-2025 Heard Mr. Md. Shah Nawaz Ali, learned counsel
for the petitioner and Dr. Kumar Uday Pratap, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Bahera P.S. Case No. 319 of 2023 dated 26.07.2023
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. Heard both the sides and perused the FIR, seizure
list and the trial court's order rejecting the petitioner's prayer.

4. In the facts and circumstances of this case and
considering the averments made in the petition and mainly
petitioner's the pleas that in the instant matter, his son was
apprehended with the alleged seized wine while he was riding a
motorcycle though the said motorcycle belongs to the petitioner



but except this, there is no material to show the petitioner's involvement in the alleged crime of smuggling of wine and in earlier case lodged against the petitioner, under the Bihar Prohibition and Excise Act, 2016, the petitioner's motorcycle was also misused by his son in which the petitioner was made an accused merely on account of being registered owner of the alleged motorcycle, so, the petitioner's prayer is not hit by the provisions of Section 76 of the Bihar Prohibition and Excise Act as the alleged offence of the present matter does not even prima facie attract against him, in my opinion in the light of said pleas, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bahera P.S. Case No. 319 of 2023, subject to the conditions as laid down Section 482 of the B.N.S.S.

(Shailendra Singh, J)

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