

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13829 of 2025

Arising Out of PS. Case No.-60 Year-2024 Thana- TERHAGACHH District- Kishanganj

Bihari Mahto Son of Late Ram Lal Mahto Resident of Village - Phulbaria
Ward No.9, P.S. -Tedhagachh, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation in the FIR, total 86.4 liters of illicit country made liquor was recovered from the cow dung which belongs to the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that nothing has been recovered from the conscious possession of the petitioner and he made an accused only on the basis of suspicion. Petitioner has got three criminal antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that if granting



anticipatory bail to the petitioner will affect the investigation of the present case and further submits that the seized liquor was recovered from the cow dung which belongs to the petitioner and he has got three criminal antecedents as stated in para-3 of the petition.

6. On perusal of the first information report and impugned order dated 01.02.2025, it appears that total total 86.4 liters of illicit country made liquor was recovered from the cow dung which belongs to the petitioner and also the fact that petitioner has got three criminal antecedents as stated in para-3 of the petition. As Section 76 (2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation leveled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of **Ramvinay Yadav v. State of Bihar PLJR 2019 (2)**, so I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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