

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13848 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

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1. Raman Kumar @ Rabendra Mehta @ Rabindra Mehta Son of Late Umesh Mehta Resident of Village - Ganepshpur, Ward No.2, P.S. - Puraini, District - Madhepura
 2. Mantu Sahani @ Mahesh Kumar Son of Prahalad Sahani Resident of Sahani Tola, Puraini, P.S. - Puraini, District - Madhepura
 3. Roshan Kumar Son of Chandrabhushan Sah Resident of Ward No.04, Kumarpur, P.S. - Puraini, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv
For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehends their arrest in connection with Udakishunganj P.S Case No. 18 of 2025 registered for the offences punishable under Sections 30(a) of Bhar Prohibition and Excise Act (Amendment) 2018

3. As per allegation in the FIR, petitioners along with the other co-accused were involved in sale and purchase of illicit liquor. When police party raided the spot, total 344.130 litres of illicit liquor was recovered and petitioners managed to flee but one of the co-accused was apprehended from the spot.



4. Learned counsel for the petitioners submits that petitioner have falsely been implicated in this case. He next submits that the alleged liquor was recovered from the house of the co-accused namely Himanshu Kumar. He further submits that petitioners name has been figured from the confessional statement of the co-accused namely Himanshu Kumar who was apprehended from the spot. He also submits that petitioner was not arrested from spot. It is also submitted that petitioner no. 1 possesses two criminal antecedent. Petitioner No. 2 possesses one criminal antecedent and petitioner no 3 has clean antecedent.

5. However, learned APP for the State oppose the prayer for anticipatory bail of the petitioners.

6. On perusal of the FIR, impugned order dated 29.01.2025, it appears that total 344.130 litre of illicit liquor was recovered and the petitioners name has been figured by the confessional statement of the co-accused namely Himanshu Kumar who was apprehended from spot and keeping in view the criminal antecedents of the petitioners that fact that Section 76(2) of Bihar Prohibition and Excise Act is attracted towards this case which bars the petitioners from the privilege of bail and considering the Judgment of the Full Bench



of this Court in the case of **Ramvinay Yadav Vs. State of Bihar**
PLJR 2019 (2), this Court is not inclined to grant bail to the
petitioners.

7. Accordingly, the prayer for anticipatory bail of the
petitioners are hereby rejected.

(Ramesh Chand Malviya, J)

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