

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38141 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- KAUWAKOL District- Nawada

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Naga Mahto @ Sumant Kumar @ Sumant Harihar Prasad @ Harihar Mahto
Resident of Village -Sokhodewra P.S- Kawakol ,District- Nawada, Bihar-
805106

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Muskan Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Kawakol P.S. Case No.89 of 2025 instituted under Sections
30(a) and 37 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 76 litres Indian made foreign
liquor and 17.500 litres beer has been recovered from three
motorcycles near *Daniya* Forest and the accused persons are
alleged to have started fleeing away. One of the motorcyclists
fell down and he was apprehended who disclosed his name as
Sadhu Turiya. The apprehended accused disclosed that all
accused persons were carrying illicit liquor from Jharkhand and
were going to deliver the same to the accused petitioner Naga



Mahto @ Sumant and Amit Mistri.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from possession of the petitioner. Petitioner has no concern with the seized illicit liquor or the motorcycle. Except confessional statement, there is nothing against the petitioner. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is a habitual offender involved in illicit liquor business having 06 criminal antecedents of similar nature. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable. Thus, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and criminal antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected.



7. If the petitioner surrenders before the learned trial court and seeks regular bail, the same shall be considered on its own merit without being prejudiced from the order of this Court.

(Sunil Dutta Mishra, J)

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