

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47234 of 2025**

Arising Out of PS. Case No.-120 Year-2025 Thana- SAKRA District- Muzaffarpur

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Anil Kumar Mahto @ Anil Mahto S/o Late Nandlal Mahto R/o Village-
Korigama, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Sakra P.S. Case No. 120 of 2025 lodged on 09.03.2025, for the offence punishable under Sections 30(a), 32(1), 32(2), 36, 41(1) & 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Special Judge Excise Court no.1, Muzaffarpur.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. Total recovery of 1647.8 litres of foreign liquor has been made which is the subject matter of the present case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner. Counsel submits that the petitioner was not apprehended from the place of occurrence and his name has figured in this case only by virtue of the disclosure made by co-accused person. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are three cases pending against him in which two cases are registered under Excise Act and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that huge quantity of foreign liquor has been recovered in this case and criminal antecedent of the petitioner is also not clean as there are three cases pending against him in which, two cases are registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that if, petitioner surrenders before the concerned Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-



cum-bail application on the same day without being prejudice
that the anticipatory bail of the petitioner has been rejected by
this Court and the Trial Court shall pass order on the merit of
this case.

(Dr. Anshuman, J)

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