

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53141 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- Excise Benipatti District- Madhubani

Ashok Kumar Mahto @ Ashok Mahto @ Ashok Suri son of Rajendra Suri @
Rajendra Mahto Resident of Village- Pihwara, P.S. -Saharghat, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing on behalf of the State.

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

3. As per prosecution case, 28.800 litres of illicit Nepali country made liquor was recovered from the house of the petitioner.

4. Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of this petitioner and he is in no way connected with the aforesaid recovery.

5. On the other hand, learned APP appearing for the



State submits that petitioner is not entitled to the privilege of anticipatory bail in view of decision of the Full Bench of this Hon'ble 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.)*. Petitioner has got two criminal antecedents of similar nature.

6. Considering the aforesaid decision of this Court and fact that petitioner has got two criminal antecedents of similar nature, the prayer for grant of anticipatory bail to this petitioner is rejected.

(Prabhat Kumar Singh, J)

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