

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56641 of 2025

Arising Out of PS. Case No.-217 Year-2025 Thana- RIGA District- Sitamarhi

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Gulten Mahto S/O- Ram Chandra Mahto R/O Village- Rampur Gangauli,
Ward No., P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Riga P.S. Case No.217 of 2025 instituted under Section 30(a) of
the Bihar Prohibition and Excise Act.

3. As per prosecution case, 15.6 litres Nepali liquor was
recovered from the hut of petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. There is no specific allegation
against the petitioner. Nothing has been recovered from
possession of the petitioner. Petitioner has no concern with the
seized illicit liquor. 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 07 criminal antecedents. 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 antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected

(Sunil Dutta Mishra, J)

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