

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57778 of 2025

Arising Out of PS. Case No.-255 Year-2025 Thana- BANJARIA District- East Champaran

Dinesh Mahto Son of Ram Chandra Mahto Resident of Village - Chailaha
Lala Tola, Dhangad Toli, P.S.- Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Karandeep Kumar, Advocate
For the Opposite Party/s :	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No. 255 of 2025 instituted under Sections 274, 275 of the B.N.S. and Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that petitioner and other co-accused persons have kept illicit liquor for sell, the police team conducted a raid in the house of the petitioner and during the search, total 10 liters of country made liquor recovered from his house. The petitioner fled away from the spot after seeing the police and he was identified by the local villagers and the chawkidar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was not present on the spot



and no incriminating article has been recovered from his conscious or constructive possession. He further submits that petitioner has three criminal antecedents of similar nature, in which he is on bail and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that the recovery has been made from the house of the petitioner and the petitioner also carries three criminal antecedents of similar nature. Therefore, he does not deserve the privilege of anticipatory bail. 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.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and the criminal antecedents of petitioner as well as the nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

AjayMishra/-

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