

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83479 of 2025

Arising Out of PS. Case No.-441 Year-2023 Thana- MALSALAMI District- Patna

Subodh Bihari, aged about-59 years, Sinha Son of Late Ram Lal Sinha
Resident of Mohalla- D8 Vijay Nagar Hanuman Nagar, P.S.- Patrakar Nagar,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Paswan, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks anticipatory bail in a case registered for the offences punishable under Sections 30(a) and 36 of Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, total 25 liters of country made *Mahua* wine has been recovered from a scooty bearing Registration No. BR-01CE-2677.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He next submits that nothing has been recovered from the conscious possession of the petitioner. He next submits that name of the petitioner has been transpired in this case for the only reason that petitioner is the registered owner of the said scooty. He next submits that the said vehicle (scooty) has earlier stolen by some unknown persons for which petitioner had made



complaint to the authority concern earlier. He next submits that petitioner has got no criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the alleged mahua wine has been recovered from the vehicle (scooty) which has been registered by the name of the present petitioner.

6. On perusal of the First Information Report and Impugned Order dated 29.10.2025, it appears that the alleged illicit *mahua* wine (25 litres) has been recovered from the vehicle (scooty) bearing Registration No. BR-01CE-2677 and petitioner is the owner of the said vehicle. So, considering aforesaid facts and circumstances of the case and submissions made by learned counsels for both the parties, it appears that there is direct involvement of the petitioner in the alleged occurrence. So, I am not inclined to grant anticipatory bail to the petitioner as it is also barred by Section 76(2) of the Bihar Prohibition and Excise Act.

7. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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