

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83567 of 2025**

Arising Out of PS. Case No.-276 Year-2025 Thana- PANAPUR District- Saran

Ashutosh Singh @ Kittu Singh @ Kitu Singh @ Ashutosh Kumar Singh, aged about 28 years, S/O Awadhesh Singh @ Audhesh Singh Resident of Village-Kondh, P.S.- Panapur, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Nityanand, 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 Section 30(a) of Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, 13.980 litres of foreign liquor has been found from the bushes situated behind the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He next submits that no recovery of illicit wine has been made either from petitioner's possession or from his house or premises, although the recovery has been made from bushes



which is situated behind the house of the petitioner which does not belongs to his possession. He next submits that name of the petitioner has been disclosed by one local witness of the said locality due to dirty village politics. He next submits that petitioner has got one criminal antecedent as stated in para-3 of the bail petition and is on bail for the same.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that alleged illicit wine has been recovered from the bushes situated behind the house of the petitioner and it is none other than the petitioner who has hide the illicit recovered wine in the bushes. He next submits that petitioner has got one criminal antecedent which has been registered for the same nature of offence.

6. On perusal of the First Information Report, Impugned Order dated 14.10.2025 and submissions made by learned counsels for both the parties, it appears that the recovered illicit liquor (13.980 litres) has been found from the bushes which were situated behind the house of the petitioner and petitioner has got one criminal antecedent, registered for the same nature of offence i.e. under Section 30(a) of the Bihar Prohibition and Excise Act. So, considering aforesaid facts and circumstances of the case and submissions made by learned



counsels for both the parties, 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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