

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85936 of 2025

Arising Out of PS. Case No.-691 Year-2025 Thana- BODHGAYA District- Gaya

Mani Prasad @ Roushan Kumar @ Mani Kumar S/O Late Bhuneshwar
Prasad R/O vill - Bakrour,P.S- - Bodhgaya,Dist- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2025 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Bodhgaya Police Station Case No. 691 of
2025, disclosing offences under Section 30(a) of Bihar
Prohibition and Excise Act.

3. The prosecution case in brief is that one Mani
Prasad is selling liquor from his house. Upon such
information, police party proceeded towards the place of
occurrence. On seeing the police party, a person fled away
from there. On inquiry, his name was found to be Mani
Prasad (petitioner). On search, 191.165 litres foreign liquor
was recovered from the house of the petitioner.



4. Learned Counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case on mere suspicion and on the basis of secret information. He next submits that the petitioner was not present at the place of occurrence and neither illicit liquor nor any incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is having no criminal antecedent.

5. After having heard learned Counsel for the parties and taking into consideration the fact that the police has recovered 191.165 liters of foreign liquor from the house of the petitioner, as such, prima facie offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be



considered by the concerned Court on the same day on its own merit without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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