

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2523 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- NAGARNAUSA District- Nalanda

1. Jitendra Kumar @ Som Kumar @ Som Bind S/O Upendra Bind Resident of Village- Sulemanchak, P.S.- Nagarnausa, District- Nalanda.
2. Foto Bind S/O Mithlesh Bind Resident of Village- Sulemanchak, P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar No. I

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 13-02-2025
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application for grant of anticipatory bail arises out of Nagarnausa Police Station Case No. 172 of 2024, dated 20.10.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
 3. The prosecution case, as per the First Information Report, is that the police, on secret information, raided the house of the petitioners and recovered 10 litres of illicit liquor kept in two plastic gallons in the courtyard of the petitioners' house.
 4. Learned Counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case due to ulterior motive. He further submits that the house, in question, is a joint family property, in which four separate families reside. He further submits that the petitioners are student and they have no criminal antecedent.

5. Taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioners, accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioners and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail to petitioners.
6. This application is, accordingly, dismissed.
7. However, if the petitioners surrender before the concerned Court and seek regular bail, the same may be considered by the concerned Court on its own merit, if possible on the same date, without being prejudiced by the rejection of the present anticipatory bail application



of the petitioners by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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