

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3308 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Anjesh Kumar S/O Lalu Mahto @ Lalu Prasad Mahto R/O -Bibhutipur,
Dumri, P.S - Bibhutipur, Samastipur, Bihar-848101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 20-02-2025 1. 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 Bibhutipur Police Station Case No. 344 of 2024, dated 08.10.2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police, upon secret information that the petitioner has kept illicit liquor behind his shop in a tin shed, reached near the place of occurrence and found that the shop and tin shed were closed but one window was open. When the police peeped through the window



several cartons were seen in the tin shed. Upon search, the police recovered 234 liters of foreign illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner 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 articles has been recovered from conscious possession of the petitioner. He further submits that the tin shed from where illicit liquor has been recovered does not belong to him.
5. After having heard learned Counsel for the parties and taking into consideration the fact that from the seizure list it is apparent that illicit liquor has been recovered 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.

(Anil Kumar Sinha, J)

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