

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9416 of 2025

Arising Out of PS. Case No.-553 Year-2024 Thana- BIDUPUR District- Vaishali

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Dhiraj Kumar S/o- Late Dinesh Singh, Resident of Village- Daudnagar P.S.-
Bidupur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate.

For the Opposite Party/s : Ms. Nirmala Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 13-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, the petitioner was driving
a Indigo Car bearing Registration No. JH-10S-0456 from which
total 240 litre illicit country made liquor was recovered.
Although, the petitioner was apprehended on the spot but he
fled away taking the benefit of congestion which took place at
the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He further submits that no incriminating article has been
recovered from the conscious possession of petitioner. Learned



counsel submits that the name of petitioner has been implicated in this case due to his criminal antecedents of similar nature, in which he is on bail. He further submits that petitioner was passerby when the incident took place and he has no concern either with the alleged seized liquor or with the seized vehicle. Learned counsel submits that petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender involved in the business of illicit liquor having two criminal antecedents of similar nature. He further submits that huge quantity of 240 litre illicit country made liquor was recovered from the concerned vehicle and the petitioner had fled away from the spot, therefore, he does not deserve the privilege of anticipatory bail. He also submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and the criminal antecedents of similar nature as well as the nature of



allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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