

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11678 of 2025

Arising Out of PS. Case No.-228 Year-2024 Thana- EXCISE HILSA District- Nalanda

Sanjiv Kumar S/O Dilip Kumar R/O Vill.- Dayalpur, P.S.- Hilsa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-04-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise Hilsa Police Station Case No. 228 of 2024 dated 28.10.2024 registered for the offence under Section 30 (a) of the Bihar Prohibition & Excise Amendment Act 2018.

3. As per the first information report the Police recovered a total quantity of 22.860 liters of foreign liquor from the rented house of the petitioner- Sanjiv Kumar.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has not committed any offence in the manner alleged. He submits that petitioner is not residing at the said house as a tenant and his name has transpired in this case only on the basis of the statement of the house owner namely Brajesh Kumar Sharma. In paragraph no. 10 of the bail application the



petitioner has taken a ground that his native village is at a distance of 2 KM from Hilsa as such there was no occasion for him to stay in a rented premise. He further submits that no illicit liquor has been recovered from the conscious possession and / or house belonging to the petitioner.

5. Regard being had to the submission made by the petitioner, taking into consideration the fact that as per the seizure list illicit liquor in question has been recovered from the rented premises of the petitioner as such in view of the Full Bench judgment of this Court rendered in Cr. Appeal (SJ) No. 431 of 2019 [Ram Vinay Yadav versus The State of Bihar], I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

6. However, if the petitioner surrenders and seeks regular bail, it is expected that the court below shall consider it on the same day without being prejudiced by the fact that the present anticipatory bail application has been rejected by this court.

(Anil Kumar Sinha, J)

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