

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11299 of 2025

Arising Out of PS. Case No.-1134 Year-2021 Thana- PHULWARISHARIF District- Patna

Sunil Chauhan Son of Chandra Chauhan R/o-Village- Govindpur, Noniya
Toli, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindu Kumari, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-03-2025 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 Phulwari Sharif Police Station Case No. 1134 of 2021, dated 24.12.2021, disclosing offence under Sections 30(a), 30(c), 32(iii), 36 of the Bihar Prohibition and Excise (Amendment) Act.

3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner is selling liquor in his hut, raided the place of occurrence and on seeing the police, one person fled away. On search of the hut, the police recovered 42 litres of illicit Desi Mahua liquor.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the co-accused. She further submits that the petitioner is not the owner of the hut, from where illicit liquor has been recovered. She next submits that the petitioner has got only one criminal antecedent.

5. Regards being had to the submission advanced on behalf of the parties concerned and 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 hut of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a prima facie case is made out against the petitioner 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 the petitioner.

6. This application is, accordingly, rejected.

7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the learned concerned Court may decide the same on its merit, on the same day, without being prejudiced by the rejection of the present



anticipatory bail application of the petitioner by this Court.

(Anil Kumar Sinha, J)

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