

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14344 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- NATIONAL HIGHWAY District-
Samastipur

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Dharmendra Kumar @ Bauaa Son of Panchu Shah Resident of Village-
Kothiya, PS- N. H. Bangra, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. As per allegation in the FIR, total 30.240 of foreign liters of illicit liquor was recovered from the back side of the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has got two criminal antecedent in the same nature of the offence as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for



anticipatory bail of the petitioner and submits that if granting anticipatory bail to the petitioner will affect the investigation of the present case and also submits that the petitioner has got two criminal antecedents in the same nature of the offence as stated in para-3 of the petition.

6. On perusal of the first information report and impugned order dated 05.02.2025, it appears that total 30.240 of foreign liters of illicit liquor was recovered from a back side of the house of the petitioner and he has got two criminal antecedents in the same nature of the offence as stated in para-3 of the petition. As Section 76 (2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation leveled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of **Ramvinay Yadav v. State of Bihar PLJR 2019 (2)**, so I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail to the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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