

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15155 of 2025

Arising Out of PS. Case No.-260 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Ashok Rai S/o Raj Kumar Ray R/o vill - Chhota Brahampur, P.S.- Bhagwan Bazar, Distt.- saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-04-2025 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 Bhagwan Bazar Police Station Case No. 260 of 2024, dated 16.05.2024, 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 on 16.05.2024, the police reached near the house of the petitioner at Chhota Brahampur and on seeing the police party the petitioner fled away from the house. Upon search, the police recovered 80 liters of illicit liquor from inside the house of the petitioner.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case



on mere suspicion and due to village politics. 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.

5. After having heard learned Counsel for the parties and taking into consideration the fact that the police has recovered 80 liters of illicit country made liquor and from 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, dismissed.

7. However, it is made clear that if the petitioner surrenders and seeks regular bail, the same shall be considered on its own merit, if possible on the same date, without being prejudiced with the fact that this Court has dismissed the



anticipatory bail application of the petitioner.

(Anil Kumar Sinha, J)

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