

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22340 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- Sinha District- Bhojpur

Mukesh Paswan @ Mukesh Kumar S/o- Bhuidhar Paswan @ Bhumidhar
Ram Village- Nurpur Ps- Sinha Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Malti Kumari

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-05-2025 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 Sinha Police Station Case No. 05 of 2025, dated 04.02.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner is indulged in the trade of illicit liquor and is going towards his house on his motorcycle carrying illicit liquor, reached near the house of the petitioner and saw that one person was unloading a sack from the motorcycle and on seeing the police, he fled away, who was identified by the chowkidar as the petitioner. On search, the police



recovered 69.12 litres of illicit liquor from the motorcycle and the bamboo bush.

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 chowkidar. He further submits that the petitioner has got no concern with the illicit liquor recovered.
5. Taking into consideration the fact and from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the motorcycle of the petitioner near his house, 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 petitioner.
6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, if



possible on the same date, without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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