

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25563 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- PATLIPUTRA District- Patna

1. Khushboo Devi @ Khushboo Kumari W/o- Nikhil Sah @ Nikhil Kumar Resident of village- Near Ram Janki Mandir Mainpura PS- Patliputra District- Patna
2. Dipali Devi @ Dipali Upendra Shah W/o- Raju Sah Resident of village- Near Ram Janki Mandir Mainpura PS- Patliputra District- Patna
3. Nikhil Sah @ Nikhil Kumar S/o- Ramnath Sah Resident of village- Near Ram Janki Mandir Mainpura PS- Patliputra District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-05-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Patliputra Police Station Case No. 95 of 2025, disclosing offences under Sections 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, on 26.02.2025, informant received a secret information about illegal liquor trade near Gate No. 53 of Mainpura, close to Lakhmi Devi's house. Upon this information, the police party reached near the place of occurrence and saw two individuals started fleeing



away. Police party apprehended the two individuals who were trying to flee away. Upon search, they found 90.91 liters of liquor on the staircase. Co-accused Prakash Sah and Lakhmi Devi were arrested on the spot, while another accused escaped.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case without any cogent material against them. The house from where the illicit liquor has been recovered is a joint house. Petitioners name have transpired on the basis of disclosure made by the arrested co-accused persons.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that from seizure list it apparent that illicit liquor has been recovered from the house of the petitioners 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 petitioners privilege of anticipatory bail.

6. However, if the petitioners surrender before the



concerned Court and seek regular bail, the same may be considered by the concerned Court on its own merit on the same date, without being prejudiced that anticipatory bail of the petitioners have been rejected by this Court.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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