

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30484 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- Sahayak Khajanchi District- Purnia

Prakash Kumar Das @ Prakash Kumar S/O Nageshwar Das R/O Village-
Chhath Pokhar Tatma Toli, P.S- Sahayak Khazanchi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-05-2025 Heard Learned counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Sahayak Khazanchi P.S. Case No. 79 of 2025 lodged on 06.03.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 16.5 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the alleged recovery has been made from the joint house of the petitioner and he has no knowledge in this regard. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and his name has come in this case only by virtue of the confessional statement of co-



accused. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are four cases pending against him and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are four cases pending against him and all cases are registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty granted to the petitioner that if, he surrenders before the Trial Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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