

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36503 of 2025

Arising Out of PS. Case No.-120 Year-2021 Thana- PHULWARIA District- Begusarai

Vijay Kumar Jha @ Bijay Kumar Jha @ Vijay Jha Son of Naresh Jha
Resident of village - Bottle Godown, Gandhi Road (Sabji Bagan), P.S.-
Dhansar, District - Dhanbad (JHD)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 Heard Learned counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Phulwaria (Fulwaria) P.S. Case No. 120 of 2021 lodged on 31.07.2021, for the offence punishable under Sections 188 & 120(B) of the Indian Penal Code read with section 30(a) of the Bihar Prohibition and Excise Act, 2016 pending in the Court of Exclusive Special Excise Judge-I, Begusarai.

3. As per the prosecution, total recovery of 905 litres of foreign 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 petitioner was not apprehended from the place of occurrence and his name was disclosed by the co-accused. Counsel submits that the only thing which is against the petitioner is that his criminal antecedent is not clean as there is one case pending against him in which, he is on bail. Counsel further submits that one accused person namely, Dipak Kr. Tiwari @ Deepak Tiwari has been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 24.02.2022 passed in Cr. Misc. No.5371 of 2022 which is annexed as Annexure-2.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that huge quantity of illicit liquor has been recovered in this case and criminal antecedent of the petitioner is also not clean as there is one case pending against him which is 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.

7. However, if petitioner 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 considering that whether ingredients of Excise Act is made out against petitioner or not, 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)

Divyansh/-

U		T	
---	--	---	--

