

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36184 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Manoj sah S/o Bhuwaneshwar Sah R/o Village- Patailiya, P.S.- Bibhutipur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-06-2025 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 Bibhutipur Police Station Case No. 79 of 2025, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. As per the prosecution case, during patrolling, the police received secret information that the petitioner was storing and selling illicit foreign liquor from his house. On conducting a raid, one person fled, who was identified by the local chaukidar as the petitioner. A search of the house in the presence of police personnel and villagers led to the recovery of 2.88 liters of Indian-made foreign liquor hidden beneath a fridge



in a cloth bag.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and so far as recovery of illicit liquor is concerned, it is not made from the personal house of the petitioner. The illicit liquor has been recovered from the house which is a joint family property. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has been made accused merely on the basis of disclosure of his name by the local chaukidar.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that 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, rejected.

7. However, if the petitioner surrenders before the



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

(Anil Kumar Sinha, J)

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