

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40652 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- BHAGWAN BAZAR District- Saran

Santosh Chaudhary @ Santosh Kumar Chaudhary S/o Ashok Chaudhary R/o
Rajendra College More, Village- Bhagwan Bazar, Police Station- Bhagwan
Bazar, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bhagwan Bazar P.S. Case No. 112 of 2025, instituted under
Section 30(a) of the Bihar Prohibition & Excise Act.

3. On secret information, the police party conducted
raid at the marked place and apprehended one person with one
bottle foreign liquor, containing 750 ml. He disclosed that the
petitioner fled away from the spot who had provided him the
said liquor. It is alleged that petitioner is indulged in the illegal
trade of liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He has not committed any offence. He was not present at
the place of occurrence. He is not involved in the business of



illicit liquor. Petitioner has nine criminal antecedents. He undertakes to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner has large number of criminal antecedents under the Excise Act and the witnesses have supported the involvement of the petitioner in the offence during the investigation. Petitioner is a habitual offender, he is not entitled for anticipatory bail. He further submits that in view of Full Bench decision of this Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in ***2019(2) P.L.J.R. 1089 (F.B.)***, *prima facie*, case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the aforesaid facts and circumstances of the case and the fact that petitioner is a habitual criminal having nine criminal antecedents of similar nature, this Court is not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the prayer of anticipatory bail of the petitioner is rejected.

(Sunil Dutta Mishra, J.)

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