

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36329 of 2025

Arising Out of PS. Case No.-514 Year-2021 Thana- NAGAR District- Vaishali

Satyendra Ray S/o Raj Baallam, R/o Vill.- Saraypur Terasaiya, PS-
Gangabridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Hajipur Town P.S. Case No.514 of 2021 instituted under
Sections 30(a), 38(1) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 99
litre illicit foreign liquor from the middle seat and dickey of
Santro Car bearing Registration No. BR-01-AR-8113 which was
coming from Gardaniya Chowk. It is alleged that driver of the
said car managed to fled away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been implicated in this case being
the owner of the vehicle in question. He further submits that
petitioner is not the owner of vehicle on the alleged date of



occurrence as he has got transferred the said vehicle in his name only on 14.07.2021 i.e. after the date of occurrence which occurred on 05.07.2021. Learned counsel submits that petitioner was not present on the spot and he has no concern with the alleged seized liquor. He further submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner has five criminal antecedents of similar nature, in which he is on bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender having five criminal antecedents of similar nature and the petitioner has not disclosed that when the vehicle was purchased from the previous owner. He further submits that huge quantity of 99 litre illicit foreign liquor was recovered from the concerned vehicle and the petitioner had fled away from the spot, therefore, he does not deserve the privilege of anticipatory bail. He also 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 facts and circumstances of the



case, submissions of learned counsel for the parties and the criminal antecedents of similar nature as well as the nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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