

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40563 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- NANIJOR District- Buxar

Mutan Sah @ Parshuram Sah S/o Late Jagarnath Sah Resident of village-
Chandrapura, P.S.- Nanijor, District-Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, 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 Nanijor P.S. Case No. 35 of 2025, instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

3. On getting secret information that petitioner is selling illicit liquor keeping in his house, the police reached there and recovered 45 pieces of 180ml, i.e. 8.100 litre foreign liquor from the drainage of the house of petitioner, kept in a sack and four pieces were torn.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the house of the petitioner. Recovery has been made from drainage. There is no independent witness of the seizure-list. Petitioner has no concern with the seized liquor. Petitioner has four criminal antecedents in which he



is on bail. 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 is habitual offender as he has four criminal antecedents of similar nature and involved in illegal business of liquor. On secret information, recovery of illicit liquor has been made from the house of petitioner, kept in drainage, shows that the petitioner is involved in the offence. 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 facts and circumstances of the case and the fact that petitioner has four criminal antecedents of similar nature and recovery of illicit liquor has been made from the drainage of his house, 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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