

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40447 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- DARBHANGA SADAR District-
Darbhanga

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Kishun Sharma S/o Indal Sharma, Resident of Village- Shivram, Police
Station- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate.
For the Opposite Party/s : Mr. Khurshid Anwar, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 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 Sadar P.S. Case No.87 of 2025 instituted under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on 29.03.2025 during
night patrolling when the informant reached near Hero
Workshop, he found that a pickup van was coming and after
seeing the police team, the driver of the said van after parking
the van managed to fled away from the spot. On search of the
said vehicle total 553.680 litre illicit foreign liquor was
recovered. It is alleged that the petitioner is the owner of the
said vehicle.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case being the owner of the vehicle in question. He further submits that the vehicle of petitioner is a commercial vehicle which was used for carrying goods and the driver of the said vehicle had taken it away for delivery of goods and he had no knowledge about the misuse of his vehicle by the driver. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that petitioner was not present on the spot and no incriminating material has been recovered from his conscious possession. Learned counsel submits that petitioner has one criminal antecedent of Excise Act, in which he is on bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that huge quantity of liquor i.e. 553.680 litre illicit foreign liquor was recovered from the vehicle in question and the petitioner is the registered owner of the said vehicle and he has not disclosed that who was the driver of the seized vehicle at the time of occurrence. He further submits that petitioner was also involved in similar nature of case, 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 and submissions of learned counsel for the parties as well as the nature of allegation and the criminal antecedent of 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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