

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41320 of 2025

Arising Out of PS. Case No.-74 Year-2022 Thana- BACHHWARA District- Begusarai

Raju Kumar S/o Vinod Kumar Thakur R/o Village- Morwa, P.S.- Tajpur,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Yogendra 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 Bachhwara P.S. Case No. 74 of 2022, instituted under Sections 414, 120(B) of the Indian Penal Code and Sections 30(a), 32(2) and 41 of the Bihar Prohibition & Excise Act.

3. As per the prosecution, on getting secret information, on raid, 1586.385 litre foreign liquor was recovered from a truck bearing Registration No. BR09H 7103 and the petitioner is registered owner of the said truck. The accused persons managed to escape by Scorpio Vehicle present at the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case due to



registered owner of the truck in question. Nothing has been recovered from the conscious possession of the petitioner. He is not involved in the trade of illicit liquor. Petitioner had bought the said truck in auction by Shriram Finance and had sold the same to one Dharmendra Kumar Sah. Petitioner has no concern with the seized liquor. There is no independent witness of the seizure-list. Petitioner has two criminal antecedents 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 habitual offender as he has two criminal antecedents of similar nature and is owner of the seized truck used in transportation of huge quantity of illicit liquor. 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 that there is recovery of huge quantity of liquor from the truck of the petitioner, there is *prima facie* case made out against the petitioner and the fact that petitioner has two 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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