

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43862 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- PUSA District- Samastipur

Krishna Kumar @ Krishna Kumar Ray @ Jhandu S/o Ram Bhart Ray @ Ram
Bharath Ray Resident of Village- Madapur Chhapra, Police Station- Pusa,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Pusa P.S. Case No. 57 of 2025 lodged on 19.05.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Exclusive Special Judge, Excise-I, Samastipur.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Total recovery of 16.62 litres of foreign liquor has been made which is the subject matter of the present case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and the said recovery was made from a sack kept beneath the cattle feed near the outhouse of the petitioner which does not belong to him. Counsel submits that the petitioner's name has figured in this case only by virtue of the disclosure made by a local *chowkidar*. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are five cases pending against him and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are five cases pending against him and all the cases are registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that if, petitioner surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail



application on the same day considering that whether ingredients of Excise Act is made out against petitioner in this case or not, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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