

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47602 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- BARUN District- Aurangabad

Sanjay Kumar @ Sanjay Prasad son of Late Krishna Prasad Resident Of
Village- (Kasth Toli) Old Town Near Old Fort Daudnagar Ps- Daudnagar Po-
Daudnagar District- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Barun P.S. Case No. 146 of 2025 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 205 litres
of liquor has been recovered out of which 109 litres has been
recovered from cartons.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case on the
grounds of grudge and animosity. Petitioner was not
apprehended on the spot. The name of the petitioner has



transpired in this case on the basis of disclosure made by the co-accused persons who were apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from an open place. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submits that the petitioner is the first owner of the seized motorcycle and had sold the same to the co-accused Manoj Choudhary but, as the money was due, the transfer of the motorcycle could not be done in the name of Manoj Choudhary. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Co-accused persons have already been granted anticipatory bail by this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 31390 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has three criminal antecedents of similar nature of offence.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case as also there being three criminal antecedents of similar nature of offence, this Court is not inclined to grant privilege of



anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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