

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57377 of 2025

Arising Out of PS. Case No.-868 Year-2023 Thana- MANER District- Patna

Vakil Kumar @ Vakil Ray S/o Jay Kishun Ray @ Jay Kisun Ray, R/o
Village - Sherpur, Hiratola, P.S.- Maner, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Maner P.S. Case No. 868 of 2023 registered under Section 30(a)
of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret
information that the petitioner has kept illicit liquor in his *Dalan*
under the animal fodder, the police team conducted raid to
verify the same and 152.72 litres of illicit liquor was recovered
from the said place of occurrence. It is alleged that this
petitioner, after seeing the police party, fled away from the spot,
identified by the local *Chaukidar*.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. As a matter of fact, petitioner had made a complain against the Brijnandan Mukhiya, who was the winner of two previous Panchayat election, due to which the name of the petitioner is implicated in the five cases. There is no independent witness on the seizure list and seizure list was not given to the petitioner or his family members. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender having five criminal antecedents out of which, four cases belong to Excise Act. He further submits that on specific information, there is huge recovery of illicit liquor from the *Dalan* of the petitioner. 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, submissions of learned counsel for the parties, huge quantity of recovery and criminal history of the 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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