

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52287 of 2025

Arising Out of PS. Case No.-128 Year-2017 Thana- BAISI District- Purnia

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Dilip Kumar @ Dilip Kumar Rai S/o- Son of Ram Sakal Ray @ Ram Sakal
Sah Resident of Bisambharpatti Berai PS- Hathauri District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in connection with Baisi P.S. Case No. 128 of 2017, dated 22.06.2017, lodged under Section 273 of the Indian Penal Code and under Sections 30(a) & 41 of the Bihar Prohibition and Excise (Amendment) Act, 2016, pending before the Court of Exclusive Special Excise Judge-1, Purnea.

3. As per the prosecution, total recovery of 218.930 litres of illicit 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. He further submits that nothing was recovered from the possession of the



petitioner. He also submits that the petitioner is not the owner of the vehicle. He further submits that the criminal antecedent of the petitioner is not clean, as one criminal case is pending against him. Additionally, he submits that the present case is of the year 2017, whereas the criminal antecedent of the petitioner is of 2018.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean, as one criminal case is pending against him. He further submits that, as stated in paragraph 3 of the bail application, although the criminal antecedent of the petitioner is of 2018, that case also pertains to the Excise Act.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day 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, considering whether the provisions of the Bihar Prohibition and Excise (Amendment) Act are attracted in this case.

(Dr. Anshuman, J.)

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