

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55986 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- KOPA District- Saran

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Dinesh Kumar Manjhi @ Dinesh Manjhi S/o Janakdev Paswan @ Janakdev
Manjhi @ Petu R/o vill - Pokharbhinda, P.S.- Kopa, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kopa P.S. Case No. 04 of 2025, instituted under Section 30(a)
of the Bihar Prohibition & Excise Act.

3. On secret information received by the police that the
petitioner has kept country made liquor in his house for the
purpose of sale, the police reached at the said place and recovered
60 litre country made liquor behind the house of the petitioner.
Petitioner managed to escape.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case.
Nothing has been recovered from the conscious possession of the
petitioner. Petitioner was not apprehended from the place of
occurrence. Search and seizure has been done behind the back of



the petitioner. There is no independent witness of the seizure-list. Petitioner has no concern with the seized liquor. Petitioner has four criminal antecedents in which he is on bail. He undertakes to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is habitual offender as he has four criminal antecedents of similar nature and involved in illegal business of liquor. On secret information, recovery of illicit liquor has been made from behind the house of the petitioner and escaping the petitioner from the house shows that the petitioner is involved in the offence. 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 and the fact that petitioner has four criminal antecedents of similar nature and recovery of illicit liquor has been made from behind his house, 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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