

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58077 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Jayant Kumar Son of Ashok Kumar, Resident of Mohalla- Mithanpura, P.S.-
Mithanpura, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate.

For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Muzaffarpur Excise P.S. Case No.209 of 2025 instituted under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that co-accused Kundan Kumar had sent the liquor from three wheeler tempo to be supplied to the petitioner, the police team conducted raid and recovered 60.480 litre illicit foreign liquor from the tempo bearing Registration No. BR-06PF-5854 and co-accused Dharamchand Kumar Paswan was apprehended on the spot who disclosed that the said liquor was provided to him by co-accused Kundan Kumar to be transported from Ramdayalu to Mithanpura.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to his four criminal antecedents of similar nature. He further submits that petitioner was not involved in the trade and business of illicit liquor and he was not arrested on the spot. Learned counsel submits that petitioner has no concern either with the alleged seized liquor or with the seized tempo from where the recovery of liquor has been made. He further submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that 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 four criminal antecedents of similar nature and he is involved in the trade and business of illicit liquor, therefore, he does not deserve the privilege of anticipatory bail. 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 submissions of learned counsel for the parties as well as the criminal antecedents of petitioner of similar nature, 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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