

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56010 of 2025

Arising Out of PS. Case No.-221 Year-2016 Thana- BAISI District- Purnia

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Devanand Roy S/O Bhuwaneshwar Ray @ Bhuvaneshwar Ray @
Bhuneshwar Rai Resident of Ward no.- 2, Motipur Nagar Panchayat, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Baisi P.S. Case No. 221 of 2016, instituted under Sections 272 and 273 of the Indian Penal Code and Section 30(a) and 41 of the Bihar Prohibition & Excise Act.

3. There is recovery of 1200 litre Spirit and 22.50 foreign liquor from a Mahindra Pick-up van bearing Registration No. WB-15A-6828. Allegation against the petitioner is that he is involved in the trade of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He is not named in the F.I.R. His name transpired in this case during investigation. Petitioner is neither driver nor owner of the



Pick-up vehicle. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has eight criminal antecedents out of which three cases belong to Excise Act.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is habitual offender as he has eight criminal antecedents. He is involved in the trade of illicit liquor. 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 eight criminal antecedents out of which three cases belong to Excise Act, 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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