

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57624 of 2025

Arising Out of PS. Case No.-1 Year-2022 Thana- ANDHRAMATH District- Madhubani

Karuneshwar Prasad S/o Ram Bindeshwar Prasad, R/o Village- Kamalpur,
P.S- Baherai, Distt.- Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yatindra Narayan, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

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 his arrest in connection with Andhramath P.S. Case No.01 of 2022 instituted under Sections 272, 273 of I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, 90 bottles of 300 ml. i.e. total 27 litre illicit Nepali liquor was recovered from the Bajaj Pulsar motorcycle bearing Registration No. BR-07W-4397 which belongs to petitioner. It is alleged that the accused who was driving the said motorcycle fled away from the spot leaving his motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case being the owner of the motorcycle. He further submits that the



motorcycle of petitioner was already misplaced from his possession and for that purpose he had informed the concern police station, but no action was taken by the agency. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner has no criminal antecedent and he 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 the petitioner is the owner of seized motorcycle which was used in commission of crime and there is no evidence to show that the vehicle in question was stolen. It is further submitted that the witnesses have supported the case of prosecution. 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



nature of allegation against the petitioner, as stated above, 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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