

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55775 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Jayant Kumar S/o Ashok Kumar, R/o Mohalla - Mithanpura, P.S -
Mithanpura, District – 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 : Mr. Khurshid Anwar, APP.

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 Muzaffarpur Excise P.S. Case No.295 of 2025 instituted under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 141.84 liter illicit foreign liquor from the Swipt Car bearing Registration No. BR-06-PE-1730 and the driver, namely, Chandan Singh has been apprehended on the spot who disclosed that the seized liquor has been brought by the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case. He further submits that petitioner has no concern either with the seized liquor or the vehicle from where the liquor was seized.



Learned counsel submits that petitioner was not present on the spot and no incriminating material has been recovered from his conscious possession. He further submits that petitioner has four criminal antecedents of similar nature, in which he is on bail in all the cases 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 from the perusal of order impugned it appears that the petitioner is involved in the illegal trade of illicit liquor and the witnesses have supported the case of prosecution and he is involved in four criminal cases of similar nature. Therefore, the petitioner is habitual offender and 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.

7. It is clarified that if petitioner surrender before the learned Trial Court and seek regular bail, the same shall be decided on its own merit without prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

Ritik/-

U		T	
---	--	---	--

