

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57680 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- BELSAND District- Sitamarhi

Vishal Kumar Son of Brijnandan Rai, Resident of Village - Patahi, P.S.-
Belsand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, 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 Belsand P.S. Case No.121 of 2025 instituted under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information
that petitioner alongwith co-accused Deepu Kumar who are
involved in illegal business of illicit liquor have kept illegal
liquor in a mango orchard in Village Patahi, the police team
conducted raid and recovered 139.5 litre illicit foreign liquor
from the said place and both the accused persons fled away who
were identified by the local *Chaukidar*.

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 with the alleged seized liquor as the alleged recovery has been made from the hut situated in the mango orchard which does not belong to petitioner. Learned counsel submits that no incriminating material has been recovered from the conscious possession of petitioner. He further submits that the seizure list has not been prepared in accordance with mandatory provisions of law. Learned counsel submits that petitioner has three criminal antecedents, out of which two cases belongs to Excise Act 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 there is huge quantity i.e. 139.5 litre illicit foreign liquor was recovered and the petitioner is a habitual offender having three criminal antecedents, out of which two cases belongs to Excise Act. 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, submissions of learned counsel for the parties, the nature of allegation levelled against the petitioner as well as the criminal antecedent of petitioner, 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)

Ritik/-

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

