

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55537 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

Birbal Rai S/O Umesh Rai Resident of Village- Dharfari, P.S.- Deoriya, Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sahebganj P.S. Case No. 209 of 2025, registered under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
120 litres *Desi Chulai* wine kept in four plastic gallon from the
bush situated at bank of Gandak River. The petitioner along with
other co-accused persons fled away from the place of
occurrence who were identified by the *Chawkidar* present there.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Further submission is that the recovery of illicit liquor has
been made from an open place easily accessible to anyone.



Petitioner has no concern with the seized illicit liquor. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has 4 criminal antecedents of similar nature and in all the cases, petitioner is on bail. 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 and he has got 4 criminal antecedents of similar nature. 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 history of the 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)

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