

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57241 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- SONO District- Jamui

Gardan Murmu @ Rajesh Chode S/o Sitaram Murmu @ Sanjay Chode R/o
Village - Bardanara, P.S - Sono, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

2. The petitioner apprehends his arrest in a case instituted
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on secret information to the
effect that the petitioner is selling illicit liquor from his house,
the police reached there and on seeing the police the petitioner
is alleged to have fled away. On search, 18 litres country made
liquor was recovered from the house of petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case on the basis of suspicion. There is general and omnibus
allegation against the petitioner. Nothing has been recovered
from physical possession of the petitioner. The alleged recovery



has been made from a joint house. There is no independent witness of the seizure list. Petitioner has one criminal antecedent in which he is on bail. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the police, on getting secret information to the effect that petitioner is selling illicit liquor from his house, reached there and on seeing the police, petitioner managed to flee away who was identified by nearby people. On search, 18 litres of country made liquor was recovered from his house and the petitioner has also one criminal antecedent of similar nature, which shows that the petitioner is involved in illegal 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. Thus, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties, criminal antecedent of the petitioner and recovery of illicit liquor from the house of petitioner, this Court is not inclined to grant



anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected.

7. If the petitioner surrenders before the learned trial court and seeks regular bail, the same shall be considered on its own merit without being prejudiced from the order of this Court.

(Sunil Dutta Mishra, J)

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