

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55718 of 2025**

Arising Out of PS. Case No.-170 Year-2025 Thana- BELDOUR District- Khagaria

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1. Kailu Sharma S/o Lachhatar Sharma Resident Of Village And Ps- Beldaur, Dist- Khagaria
  2. Satyam Kumar S/o Kailu Sharma Resident Of Village And Ps- Beldaur, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

2      02-09-2025                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Beldaur P.S. Case No.170 of 2025 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that petitioners are selling country made liquor by keeping it in their house at Machhli Market, Beldaur, the police team conducted raid and recovered 44.8 liter country made *mahua* liquor. It is alleged that both the petitioners fled away from their house after seeing the police.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have been implicated in this case. He further submits that the house from where the alleged recovery has been made does not solely belongs to petitioners as it is joint house of the petitioners. Learned counsel submits that petitioners have no concern with the alleged seized liquor. He further submits that no incriminating material has been recovered from the conscious possession of petitioners. Learned counsel submits that procedure of Section 103 of BNSS has not been followed by the police in preparing the seizure list. He further submits that petitioner no.1 has two criminal antecedents and petitioner no.2 has one criminal antecedent, in which they are on bail and they undertake 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 seized liquor was recovered from the house of petitioners and there is no satisfactory explanation that who kept the said illicit liquor in their house. Therefore, the petitioners are presumed to be involved in the occurrence and they 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 petitioners, 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 failure to offer satisfactory explanation by the petitioners, as stated above, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for anticipatory bail is, hereby, rejected.

7. It is clarified that if petitioners 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 petitioners.

**(Sunil Dutta Mishra, J)**

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