

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56315 of 2025

Arising Out of PS. Case No.-118 Year-2025 Thana- SARAI RANJAN District- Samastipur

Deepak Kumar Ray @ Deepak Ray Son of Bir Bahadur Ray @ Birbahadur
Resident of Ward No. 02, Bhagwatpur, P.S.- Sarairanjan, Samastipur, 848127,
Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sarairanjan P.S. Case No. 118 of 2025, instituted under
Section 30(a) of the Bihar Prohibition & Excise Act.

3. On getting secret information that petitioner is
involved in the trade of illicit liquor, police party reached at the
marked place and recovered 260.34 litre foreign liquor from the
mud house, kept in plastic bags and cartons.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from possession of the
petitioner. Recovery has been made from the mud house, an



ancestral property of the petitioner, which is accessible to anyone. Petitioner has no concern with the seized liquor. There is no independent witness of the seizure-list. Petitioner has two criminal antecedents. He undertakes to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is habitual offender as he has two criminal antecedents of similar nature and involved in illegal business of liquor. On secret information, recovery of illicit liquor has been made from the mud house of the petitioner and escaping the petitioner from there shows that the petitioner is involved in the offence. 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 the fact that petitioner has two criminal antecedents of similar nature and on secret information recovery of illicit liquor has been made from his mud house, it cannot be said that there is no *prima facie* case made out against the petitioner, this Court is not inclined to enlarge the petitioner above-named on



anticipatory bail. Accordingly, the prayer of anticipatory bail of
the petitioner is rejected.

(Sunil Dutta Mishra, J.)

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