

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56064 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- BIHRA District- Saharsa

Narayan Kumar Sah @ Tribhuvan Sah @ Tribhuvan Kumar Sah, S/o Late Ganesh Sah, Resident of - Bihara, Ward No. 05, P.S.- Bihra, District - Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Mahto, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Bihra P.S. Case No. 85 of 2025 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on a secret information that petitioner is involved in illegal trade of restricted cough syrup, raid was conducted by the police, 7 bottle (700 ml) of cough syrup was recovered from the house of the petitioner. It is alleged that the petitioner fled away after seeing the police party and the co-accused Vikram Kumar was arrested on the spot who disclosed the name of the petitioner and stated that they were involved in selling the cough syrup. The seizure list



was prepared in presence of two independent witnesses.

4. Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The place of recovery is a joint family house. There is no recovery made from conscious possession of the petitioner. Petitioner has three criminal antecedents, in which, he is on bail in all the cases and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposed the pre-arrest bail of the petitioner and submitted that the petitioner is involved in the illicit cough syrup business and he is a habitual offender having three criminal antecedents of similar nature, therefore, petitioner does not deserve the privilege of anticipatory bail. It is further submitted that petitioner is not entitled to get the privilege of anticipatory bail 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.)**.

6. Considering the submissions of learned counsel for the parties and the fact that the petitioner is a habitual criminal having three criminal antecedents of similar nature and recovery of cough syrup from the house 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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