

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57321 of 2025

Arising Out of PS. Case No.-472 Year-2025 Thana- DANAPUR District- Patna

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Suraj Kumar Son of Dwarika Prasad Village- Tarachak, Ps-Danaur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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) and 41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, during vehicle checking by the police, a bottle of 750 ml English wine was recovered from the motorcycle of the petitioner driven by his minor son.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been implicated in this case being the owner of the motorcycle. Nothing has been recovered from conscious possession of the petitioner. Petitioner was not apprehended on the spot. The alleged recovery has been made



from the motorcycle driven by the minor son of petitioner who was apprehended on the spot. Petitioner has no concern with the seized illicit liquor.

5. Learned A.P.P. for the State opposes the prayer for pre-arrest bail and submits that the petitioner is owner of the motorcycle from which illicit liquor was recovered and was used for transportation of the same by the minor son of the petitioner with his consent and knowledge. 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. In view of the facts and circumstances of the case, submissions of learned counsel for the parties and considering the fact that petitioner has allowed his minor son to drive the motorcycle for transportation of illicit liquor, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected.

7. It is clarified that if the petitioner surrenders before the learned court concerned within four weeks from today and seeks



regular bail, his bail petition shall be disposed on its own merit without being prejudiced to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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