

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56610 of 2025

Arising Out of PS. Case No.-307 Year-2025 Thana- FORBESGANJ District- Araria

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Suman Kumar @ Suman, S/O Sravan Mandal, Resident of village- Choura Parwaha, Bhag Kohaliya, Ward No. 03, Police Station- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, 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 arrest in connection with Forbesganj P.S. Case No. 307 of 2025 for the offence registered under Section 30(a) of Bihar Prohibition & Excise Act.

3. As per the prosecution case, on a secret information that the petitioner has kept liquor near the fuel shed hut of Gurudayal Bhagat, police conducted raid and 9.750 litres of foreign liquor was recovered from the hut. The people present on the spot disclosed that after seeing the police, the petitioner fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case. Petitioner was neither present on the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. Petitioner was made accused on the secret information and identification of the local people. Petitioner has three criminal antecedents of similar nature in which he is on bail as stated in para 3 of the bail petition. 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 the petitioner is involved in the illegal trade of illicit liquor and the witnesses have supported the case of prosecution and he is involved in three criminal cases of similar nature. Therefore, the petitioner is habitual offender and he 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 petitioner, 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 the criminal antecedents of petitioner of similar nature, this Court is not inclined to grant anticipatory bail to the petitioner.



Accordingly, his prayer for anticipatory bail is, hereby, rejected.

7. It is clarified that if petitioner surrenders before the learned Trial Court and seeks regular bail, the same shall be decided on its own merit without being prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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