

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58222 of 2025**

Arising Out of PS. Case No.-290 Year-2025 Thana- AHİYAPUR District- Muzaffarpur

Suraj Kumar S/o Rambalak Sah R/o Vill- Sahbajpur, P.S.- Ahiyapur, Distt-  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

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

2      16-09-2025                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Ahiyapur P.S. Case No. 290 of 2025 registered under Section  
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret  
information that the petitioner and other accused persons have  
brought liquor and concealed and are selling the same in brick-  
built constructed house of Surya Narayan Sah, a raid was  
conducted and total 34.56 litres of illicit liquor was recovered  
from brick-built constructed house of Surya Narayan Sah. It is  
alleged that 4-5 persons were managed to flee away from the  
spot. Spy and local persons identified the petitioner and other  
accused persons.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. Petitioner was not present on the spot and nothing incriminating material has been recovered from the conscious possession of the petitioner. He has no concern either with the seized illicit liquor or place of occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender having five criminal antecedents of similar nature and there is specific allegation that petitioner is involved in illegal trade of illicit liquor. 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, submissions of learned counsel for the parties as well as criminal history 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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