

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57623 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- JAYNAGAR District- Madhubani

Sanjay Kumar S/o Jawahar Bhagat, Resident of village- Umeshpal Nagar
Laxmi Chouk, PS- Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Madan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Jaynagar P.S. Case No.274 of 2024 corresponding to G.R. No.1338 of 2024, instituted under Sections 274, 275, 317(5), 3(5) of the B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that two liquor smuggler bring liquor on their motorcycles from Dulipatti, the police team reached to the place of occurrence and on seeing the police team, both the persons fled away leaving their motorcycles and on search total 315 litre illicit Nepali liquor was recovered out of which 162 litre illicit liquor was recovered from the motorcycle of petitioner.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case being the owner of the motorcycle. He further submits that petitioner has given his motorcycle to his relative and they misused the petitioner's vehicle and he had no knowledge about the same. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner who is manager in a private bank has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that huge quantity of liquor i.e. 162 litre illicit Nepali liquor was recovered from the motorcycle of petitioner. The petitioner is the owner of one of the seized motorcycle which was used in the commission of crime. Although, the petitioner has stated that he had given his motorcycle to his relative but he has not disclosed the name of relative to whom the said motorcycle was given. It appears from the impugned order that petitioner had taken plea that the said motorcycle of petitioner was stolen on 08.08.2024. Both the plea on behalf of petitioner with respect to seized motorcycle is



contrary to each other, which shows that the petitioner has not come before this Court with clean hand. Therefore, the petitioner 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 nature of allegation against the petitioner, as stated above, 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 prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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