

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57702 of 2025

Arising Out of PS. Case No.-308 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

Suraj Kumar S/o Kailash Ray R/o vill - Malahi tola, P.S.- Kesaria, Distt.- East
Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, 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 Sahebganj P.S. Case No.308 of 2025 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that the petitioner who is involved in illegal business of illicit liquor is collecting the illicit liquor near an embankment in Ward No. 1 of Village Madhopur Hazari the police team conducted a raid and during the search, total 43.200 litres of illicit liquor of different brands was recovered from the spot. The local chaukidar identified the petitioner that he fled away from the spot after seeing the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner has no concern with the



recovered material. Learned counsel submits that petitioner was not present on the spot and no incriminating material has been recovered from his conscious possession. Learned counsel submits that petitioner has three criminal antecedents out of which two are of similar nature 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 illicit liquor was recovered near embankment of the ward no.1 of the village. He further submits that local chaukidar disclosed the name of the petitioner that he is involved in the selling of the illicit liquor and he has got three criminal antecedents out of which two are of similar nature. Therefore, 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, submissions of learned counsel for the parties and the criminal antecedent of petitioner as well as the nature of allegation against 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)

AjayMishra/-

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