

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58221 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- Nawalpur District- West Champaran

Vijay Prasad Kushwaha Son of Jaynarayan Prasad Resident Of Village-
Semari Bhawanipur PS -Nawalpur District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Md. Nazir Ansari, 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
Nawalpur P.S. Case No. 120 of 2025 registered under Sections
30(a) and 37 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret
information that this petitioner along with another co-accused,
namely, Karmudabin Ansari has kept illicit liquor in the
motorcycle and passing through Semra Man, on the basis of
same, informant along with other police personnel went at the
spot and stopped the motorcycle, but both the accused persons
tried to flee away but co-accused Karmudabin Ansari
apprehended on the spot who disclosed the name of the



petitioner. On search, 7.56 litres of illicit liquor was recovered from the *dickey* of the motorcycle bearing Reg. No. BR2-ZU-8934.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner was not present at the spot. He has no concern with the seized illicit liquor or motorcycle. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has three criminal antecedents of similar nature and in all the cases, he is on bail. Petitioner 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 petitioner is a habitual offender having three criminal antecedents of similar nature. 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 the criminal antecedents 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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