

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58752 of 2025

Arising Out of PS. Case No.-472 Year-2021 Thana- KHAIRA District- Saran

Munna Nut, son of Chhabila Nut, village - Nagar Nut Tola, P. S. - Khaira,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Khaira P.S. Case No. 472 of 2021 for the offence registered under
Sections 30(a) and 30 (c) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, there is recovery of
7.700 litres of country made liquor from the house of the
petitioner. It is alleged 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
on the basis of suspicion. 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 only on the disclosure statement of the local people.



Petitioner has three criminal antecedents of Excise Act 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 from the perusal of order impugned it appears 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 is not maintainable. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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