

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60536 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- SAMASTIPUR District- Samastipur

Satish Kumar Bihari S/o- Radhe Sah R/o- Khatushyam Mandir Ken pass,
Gudri Bazar Town PS- Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, 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 his arrest in a case instituted
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. On secret information that petitioner and other co-
accused persons are involved in the illegal business of illicit
liquor from shop of the co-accused, police conducted raid and
55.8 litres illicit liquor was recovered from that place. Petitioner
and other co-accused persons fled away from the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from conscious possession of
the petitioner. Petitioner is neither owner of the shop from
where illicit liquor has been recovered nor has any concern with
the same. There is no independent witness of the seizure list.
Petitioner has two criminal antecedents of similar nature in



which he is on bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that the petitioner is a habitual offender having two criminal antecedents of similar nature. There was specific secret information against the petitioner and on that basis a raid was conducted and recovery of 55.8 litres illicit liquor was made from the shop. It appears that the petitioner is involved in the 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. Having considered the facts and circumstances of the case, submissions of learned counsel for the parties, two criminal antecedents of the petitioner and the fact that there is *prima facie* case made out against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Thus, his prayer for anticipatory bail is rejected.

(Sunil Dutta Mishra, J)

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