

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64769 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- SONEBARSA District- Buxar

Lalji Pasi S/O Late Pashuram Pasi Resident of Village- Amarpuri Hatt, P.S.-
Sonbarsha, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

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

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 his arrest in connection with
Buxar Sonbarsha P.S. Case No. 71 of 2025 instituted under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information, the
police team conducted a raid in Amarpuri Hata and recovered 34.560
litres of whisky from the two motorcycles. Petitioner is the owner of
the both the motorcycles. It is alleged that petitioner fled away from
the spot after seeing the police.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been implicated in this case due to
being the owner of the motorcycles in question. Nothing has been
recovered from the conscious possession of the petitioner. The
apprehended co-accused person took the name of the petitioner that
the petitioner flee away from the spot after seeing the police. Learned



counsel submits that petitioner has four criminal antecedents in which three are of similar nature and in all the cases he is on bail. The 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 as he has four criminal antecedents out of which three are of similar nature and he is involved in illegal business of liquor. Therefore, he does not deserve the privilege of anticipatory bail. He submits that the recovery has been made from the motorcycles of the petitioner. 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 antecedents 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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