

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70951 of 2025

Arising Out of PS. Case No.-519 Year-2025 Thana- KADAMKUAN District- Patna

Gopal Kumar @ Gopal Manjhi S/o Suresh Manjhi Resident of East
Lohanipur, Ambedkar Colony, P.S.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 15-10-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kadamkuan Police Station Case No. 519 of 2025, dated 27.07.2025, disclosing offences punishable under Sections 30(a)/37 of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner is serving illicit liquor to some persons at his house, raided the house of the petitioner and on seeing the police, four persons started fleeing away, however the police apprehended three of them in drunken condition. One of the arrested persons, namely, Rupesh Kumar



disclosed the fact that the house, in question, belongs to the petitioner, who fled away. On search, the police recovered 36 litres illicit country-made liquor from the house of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to oblique reason. He further submits that the petitioner has got no concern with the illicit liquor recovered inasmuch as the illicit liquor has been recovered from the joint house of the petitioner, in which other members of the family also reside. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not



inclined to exercise my discretion for grant of anticipatory bail to petitioner.

- 6. This application is, accordingly, dismissed.
- 7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, if possible on the same date, without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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