

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71030 of 2025

Arising Out of PS. Case No.-348 Year-2024 Thana- KATEYA District- Gopalganj

Chandan Singh S/o Subhah Singh R/o Village- Ghurkhadawa Batrauli, PS-
Bishunpura, District- Kushinagar, (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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 Kateya Police Station Case No. 348 of 2024, dated 10.09.2024, disclosing offence punishable under Section 30(a) 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 one Santosh Singh is bringing illicit liquor from Uttar Pradesh in a Bolero vehicle, bearing registration no. UP 57D/9546, stopped the said vehicle, but the driver of the vehicle fled away leaving the said vehicle. On search of the vehicle, the Police recovered 457 litres of Bunty Babli illicit country-made liquor.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the police merely because he happens to be the owner of the bolero vehicle. He further submits that though he was the registered owner of the vehicle, in question, but the petitioner had sold the said vehicle to one Suraj Rai, who, in turn, sold the vehicle to one Md. Dilshad Ali. He further submits that the petitioner has sworn an affidavit in this regard on 07.08.2025. He next submits that the petitioner has given all documents to one Suraj Rai for transfer of ownership of the vehicle, but the same was misplaced.
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 vehicle of the petitioner and the petitioner has failed to produce any document showing transfer of the vehicle prior to the lodging of the present First Information Report. 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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