

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72121 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- Banma Itahari District- Saharsa

Hira Sharma @ Hiramani Kumar S/o Late Narayan Sharma R/o Village-
Jamalnagar, Ward No. 14, P.S.- Banma Itahari, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-10-2025 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 Banma Itahari Police Station Case No. 10 of 2025, dated 12.02.2025, disclosing offences 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 the petitioner is selling illicit liquor from his house, raided the house of the petitioner and recovered 07 litres of 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 with ulterior motive. 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 is a student of Intermediate of Arts and 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

