

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.1165 of 2025

Arising Out of PS. Case No.-643 Year-2024 Thana- RAFIGANJ District- Aurangabad

Pawanjay Rajak S/O Shivbrat Rajak Village- Bhadwa Tola, P.S.- Rafiganj District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhuresh Singh
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 24-02-2025 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 Rafiganj Police Station Case No. 643 of 2024, dated 03.11.2024, disclosing offence 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 mahua liquor, raided the house of the petitioner and recovered 08 litres of illicit mahua 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 with ulterior motive. He further submits that at the time of raid, no one was present in the house of the petitioner. 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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