

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89190 of 2024

Arising Out of PS. Case No.-283 Year-2024 Thana- Excise P.S. District- Samastipur

Sandeep Kumar S/O Jagdish Mahto Resident of Village - Khajuri ward no.- 7,
P.S- Kalyanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 223-01-2025
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 Samastipur Excise Police Station Case No. 283 of 2024, dated 04.11.2024, 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 indulged in selling liquor in his house, raided the house of the petitioner and recovered 10.8 litres of illicit liquor kept in one of the rooms of the house of petitioner. The local person disclosed the name of the petitioner as the owner of the house, in question.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the local people. He further submits that no one was present in the house of the petitioner at the time of raid, and the house in question is a joint family property, where other persons 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

