

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10201 of 2026

Arising Out of PS. Case No.-730 Year-2021 Thana- SARAIYA District- Muzaffarpur

Vijay Kumar @ Bijendra Kumar @ Bijendra Singh, Son of Sunil singh R/o
Village - Phanda, P.S. - Karja, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Biha

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Saraiya (Jayattpur O.P.) P. S. Case No.730 of 2021
registered for the offences punishable under Sections 272,
273, 328, 307, 302/34 and 120(B) of the I.P.C. and Sections
30(a), 30(c), 37(b) of the Excise Act.

3. The learned counsel for the petitioner submits
that the petitioner has antecedent of three cases under the
Excise Act and allegation is of recovery of 750ml of liquor
along with Rs.48,735/- in cash and empty bottles from shop
of Ram Ekbal Singh. Further, half field bottles of 375ml
whiskey and 10ml in 180ml bottles of whiskey from shop of



Manoj and Anoj Rai. It is next alleged that a person named Hemant Mishra died after consuming poisonous liquor in Vishambharpur village and two others are undergoing treatment in private hospital.

4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he has no concern or relation with Ram Ekbal Singh, Manoj and Anoj Rai. It is also submitted that petitioner is not named in the FIR and during the course of investigation, his name transpired in the supervision of Dy. S.P. It is also submitted that at the time of occurrence, the petitioner was in custody as would manifest from Annexure-2 to the anticipatory bail application. It is also submitted that several accused have been granted the privilege of anticipatory bail including Lotan Mahto, who was granted the privilege of anticipatory bail by this Court, as such, based on parity the learned counsel seeks anticipatory bail.

5. Learned A.P.P. vehemently opposes the anticipatory bail application of the petitioner. It is next submitted that what distinguishes the case of this petitioner



with Lotan Mahto is that Lotan Mahto was a person with clean antecedent and was a senior citizen aged about 76 years whereas petitioner has antecedent of three cases under the Excise Act. It is also submitted that allegation in the FIR cannot be ignored that one person died on account of consumption of spurious liquor and two persons were under treatment in a hospital. It is next submitted that no doubt, petitioner is not named in the FIR, but then, his name transpired during the course of investigation in the supervision of Dy. S.P. It is further submitted that though it is submitted that petitioner was in custody when the occurrence took place, but then, that in itself does not absolve the petitioner of the allegations as one person died on account of consumption of spurious liquor and petitioner has antecedent under the Excise Act and the petitioner earlier also came to be implicated in cases relating to excise, but then, the learned A.P.P. fairly submits that this Court in cases relating to Excise is granting anticipatory bail, but then, this is a different case where it is alleged that one person died on account of consumption of spurious liquor. It is also submitted that investigation in the case is



continuing and if privilege of anticipatory bail is granted,
the petitioner may abscond.

6. Considering the submissions made by the
learned A.P.P., the Court is not inclined to extend the
privilege of anticipatory bail to the petitioner.

7. The prayer of the petitioner for anticipatory bail
stands rejected.

(Satyavrat Verma, J)

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