

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29392 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- BIHTA District- Patna

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Dilip Ram @ Dilip Kumar S/o- Bhushan Ram Village- Chandos Mathiya, P.S-
Sigori, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi (appeared through Video Conferencing)
For the Opposite Party/s :		Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 07-05-2026 | <ol style="list-style-type: none">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 Bihta Police Station Case No. 07 of 2026, dated 03.01.2026, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.3. The prosecution case, as per the First Information Report, is that during patrol the police received secret information that a green coloured CNG tempo was parked near NIT Gate on Ara-Patna Main Road carrying illicit liquor. On such information, the police reached at the spot and found the said tempo, bearing registration no. BR01-PR-2730, parked on the roadside. Upon search of the tempo, eight plastic sacks containing 400 litres of Mahua liquor packed |
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in 16 polythene packets of 25 litres each were recovered.

4. Learned counsel for the petitioner submits that the petitioner happens to be the owner of the vehicle, in question, has falsely been implicated in the present case on mere suspicion and on the basis of secret information. He next submits that the petitioner was not present at the place of occurrence and illicit liquor has not been recovered from conscious possession of the petitioner. He further submits that the tempo was parked near the roadside and the petitioner has no concern with the illicit liquor recovered from his vehicle and has no knowledge that as to who left liquor sacks in his vehicle. The petitioner has got no criminal antecedent.
5. After having heard learned counsel for the parties and taking into consideration the fact that the police has recovered 400 litres of Mahua liquor and from seizure list it is apparent that illicit liquor has been recovered from the vehicle of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full



Bench in **Criminal Appeal (SJ) No. 431 of 2019**, I am not inclined to grant the petitioner privilege of anticipatory bail.

- 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 learned Special Excise Judge, Danapur, Patna, on the same date, without being prejudiced to the fact that the anticipatory bail of the petitioner has been dismissed.

(Anil Kumar Sinha, J)

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