

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36067 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- BHAGWANPUR District- Vaishali

Vijay Kumar @ Gorakha S/o Ragho Rai R/o Village - Kirtapur Rajaram, P.S -
Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard Learned Counsel for the petitioner and
Learned A.P.P for the State.

3. The petitioner is apprehending arrest in connection
with Bhagwanpur P.S. Case No.77 of 2026 lodged on
01.03.2026, for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act.

4. As per the prosecution, the total recovery of 1.5
litres of illicit English liquor has been made from a Bathan,
which is the subject matter of the present case.

5. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that petitioner has been falsely implicated in the



present case and his name has been transpired only on suspicion and his criminal antecedent. Counsel further submits that criminal antecedent of the petitioner is not clean as there are three cases relating to excise matter, pending against him in which he is on bail in all the cases.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are three cases relating to Excise matter pending against him and this aspect must be taken into consideration.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within six weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J)

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