

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36610 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Rakesh Yadav @ Rakesh Kumar son of Dayanand Yadav @ Dayanand Singh
R/o- Bhagwatipur Ps- Udawantnagar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per allegation in the FIR, total 56 liters of illicit liquor was recovered from a motorcycle bearing registration no. BR03AB1618 and the said motorcycle belongs to this petitioner.

Learned counsel for the petitioner has submitted that he has falsely been implicated in this case and nothing has been recovered from the possession of the petitioner. He next submits that similarly situated co-accused has already been granted



anticipatory bail by this Court. Petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioner. He next submits that if anticipatory bail is granted to the petitioner, then it will affect the investigation. Further he submits that petitioner cannot be granted anticipatory bail in accordance with Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

On perusal of the first information report as well as impugned order dated 20.03.2024, it appears that the said liquor was recovered from the bike of the petitioner and the petitioner is the owner of the said bike and investigation is at initial stage, moreover anticipatory bail is not maintainable as per provision laid down under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, so considering all aspects of the matter, I am not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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