

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71952 of 2024**

Arising Out of PS. Case No.-310 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

Vijay Yadav @ Vijay Shankar Yadav S/O Ram Dev Yadav Resident of
Village- Lakshmipur, Police Station- Sadar, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 72184 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

Pawan Yadav son of Ram Jatan Yadav Resident of Village- Dhoi, Police
Station -Sadar, District -Darbhanga
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 71952 of 2024)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 72184 of 2024)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 311-11-2024
1.

Since both these applications arise out of the same case, with the consent of the parties, both these cases are heard together.
2.

Heard learned Counsel for the petitioners and learned APP for the State.
2.

These applications, for grant of anticipatory bail,



arise out of Sadar PS case no. 310 of 2024, dated 25.08.2024 disclosing offences punishable under Sections 30(a)/38(1)/41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution story, as per the First Information Report, is that the police, on secret information, reached near the place of occurrence and found that a truck was standing in the mango orchard near Durga Mandir and on seeing the police, all the persons present there managed to escape. On search of the truck, the police recovered 3058.56 liters of illicit foreign liquor.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case with ulterior motive and the name of the petitioners has transpired in this case on the basis of disclosures of their names by the local chowkidar. Learned counsel further submits that the petitioners are neither the owner nor the driver of the truck in question. He also submits that illicit liquor has not been recovered from the conscious possession of the petitioners and/or from the premise or vehicle belonging to them.

5. At the time of signing the order dated 28.10.2024, this Court came across the fact that petitioner of Cr. Misc. No. 72184 of 2024 (Pawan Yadav v. The State of Bihar) is having



criminal antecedent of 08 cases of similar nature of offence except Sadar PS Case No. 435 of 2022 and Sadar PS Case No. 381 of 2022, which was not brought to the notice of this Court at the time of argument, accordingly, the matter was directed to be listed under the heading “To Be Mentioned” today.

6. Learned counsel for the petitioner argued that petitioner has falsely been implicated at the behest of the chowkidar and most of the cases have been instituted in the same police station on the basis of similar allegation as alleged in the present case.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner of Cr. Misc. No. 72184 of 2024 i.e. Pawan Yadav is having criminal antecedents of similar nature of offence and appears to be habitual offender, I am not inclined to grant the privilege of anticipatory bail to him. Accordingly, the prayer of petitioner Pawan Yadav for grant of anticipatory bail is rejected.

8. Insofar as petitioner Vijay Yadav @ Vijay Shankar Yadav of Cr. Misc. No. 71952 of 2024 is concerned, he is not having any antecedent of similar nature of offence, hence, let him, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Judge-I
(Excise Act), Darbhanga in connection with Sadar PS case no.
310 of 2024, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

