

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75928 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- KAMTAUL District- Darbhanga

Baliram Yadav Son of Maheshwar Yadav Resident of Village- Baghala
Kamalpur, P.S.- Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Kamtaul P.S. Case No. 88 of 2024 lodged on 02.04.2024, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against 3 named accused persons including the present petitioner. Total recovery of 150 litres of foreign liquor has been recovered which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner's vehicle has been used in commission of the crime about which, he is completely unaware. Counsel submits that in future, no such mistake shall take place. Counsel further submits that the criminal antecedent of the petitioner is



not clean as there are three criminal cases pending against him in which in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner's vehicle has been used in commission of crime from which, alleged foreign liquor has been recovered. Counsel further submits that all the three cases which are pending against the petitioner are related to Bihar Prohibition and Excise Act and it is the fourth case of similar nature and hence, petitioner's bail application may be rejected.

6. 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 with liberty that in case, petitioner surrenders before the Trial Court within four weeks from today, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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