

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81887 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- BARGAINIA District- Sitamarhi

Guddu Yadav @ Guddu Rai S/O Mahendra Yadav @ Mahendra Rai Resident
of Village - Masaha Alam, Ward No. 3, P.S- Bairgania, Dist- Sitamarhi-843313
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the State : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bairgania P.S. Case No. 210 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in trade of illicit wine. The police on a secret information intercepted the motorcycle, however, on noticing the police party, the rider of the motorcycle succeeded in fleeing away after throwing a sack. On search, total 69.60 litres of *Nepali Relax sauf liquor* was recovered. The local *chowkidar* disclosed the name of the petitioner and co-accused Ramesh Rai.

4. Learned advocate for the petitioner contended that the petitioner has neither any concern with the motorcycle in question nor with the recovered illicit wine. However, only on



account of, past criminal antecedent, his name has been implicated in this case. The seizure list witnesses are none else but the police personnel and there are other infirmities in the search and seizures.

5. On the other hand, learned counsel for the State drawing the attention of this court to paragraph-3 of the bail application submitted that the petitioner is carrying 11 criminal antecedent of identical nature over his head and his complicity in the present crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the long list of criminal antecedent of the petitioner in identical nature, this Court is not acceded to the prayer of the petitioner for grant of anticipatory bail. Accordingly, his prayer is rejected.

7. Suffice it to observe that if the petitioner surrenders in the Court below within a period of 8 weeks from today and seeks regular bail, the same shall be considered on its own merit without being prejudiced by the present order.

(Harish Kumar, J)

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