

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86437 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- MAHISHI District- Saharsa

Rupesh Yadav @ Rupesh Kumar Son of Bijay Kumar Yadav Resident Of
Village Baghwa, P.S- Mahishi, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate
		Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2022.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 1025.130 liters of foreign liquor is said to have been recovered from the straw house of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The place of



recovery is an open place and easily accessible to anyone. Petitioner has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery. Petitioner has two criminal antecedents and out of two one is of similar nature of the offence, as mentioned in para-3 of this application.

4. Considering the facts and circumstances of case as well as the fact that the recovery has been made from the straw house of the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

5. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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