

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13701 of 2025

Arising Out of PS. Case No.-814 Year-2024 Thana- FATEHPUR District- Gaya

Jagdish Yadav S/O Late Ruplal Yadav R/O Village- Bagai, P.S.- Fatehpur,
Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 04-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Fatehpur P.S. Case No. 814 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 794.25 liters of illicit liquor from five motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to highhandedness of police. The petitioner was neither apprehended on spot nor anything incriminating has been



recovered from his conscious possession. The petitioner is neither owner nor driver of any of the seized motorcycles. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Binay Kumar which has no evidentiary value in the eye of law. The petitioner has four criminal antecedents out of which three are of similar nature of offence as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused persons have been granted anticipatory bail by this Court vide order dated 28.02.2025 passed in Cr. Misc. No. 14031 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case case, this Court finds that the present case is not a fit case for grant of anticipatory bail taking into account the criminal antecedents of the petitioner.



8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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