

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13930 of 2025

Arising Out of PS. Case No.-186 Year-2024 Thana- SRINAGAR District- West Champaran

Sipahi Yadav Son of Ramdhani Yadav Resident of Village - Baijua, Ward
No.5, P.S. - Srinagar, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Srinagar P.S. Case No.186 of 2024 registered for the offence punishable under Sections 30(a), 45 of Bihar Prohibition and Excise Act.

3. As per FIR, the total recovery is of 7.5 litres of illicit english wine from a black color bag found in the river which was thrown by the petitioner along with other co-accused.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is named in the FIR. He further submits that petitioner has got three criminal antecedents. He next submits that although petitioner is named in the FIR but he has not been arrested on the spot.

5. Learned APP for the State vehemently opposes the



prayer for bail of the petitioner and submits that the petitioner has got three criminal antecedent and if the petitioner shall be granted bail then they may tamper the evidences and will hamper the trial in near future.

6. On perusal of the First Information Report, impugned order dated 12.02.2025, it appears that total 7.5 litres of illicit liquor was recovered and the fact that petitioner is named in the FIR and he has got criminal three criminal antecedents out of which two are registered for the same nature of offence. As Section 76(2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation levelled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of **Ramvijay Yadav vs. State of Bihar PLJR 2019 (2)**, so considering all aspects of the case, I am not inclined to grant bail to the petitioners.

7. Accordingly, the anticipatory bail of the petitioner is hereby rejected

(Ramesh Chand Malviya, J)

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