

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15497 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- Khawaspur District- Bhojpur

Ashok Yadav S/O Late Jay Narayan Yadav R/O Village- Janki Bazar, P.S-
Khawaspur, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Khawaspur P.S. Case No. 1 of 2025, lodged on 11.01.2025, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, total recovery of 4.9 liters of foreign liquor has been the subject matter of the present case.

4. Learned Counsel for the petitioner submits that from the bare reading of the FIR the said recovery has not been made from his possession. Counsel submits that his name has



come by virtue of confessional statement of co-accused but he fairly submits that there is one criminal antecedent against the petitioner.

5. Learned Counsel for the State opposes the prayer for anticipatory bail.

6. Considering the criminal antecedent of the petitioner, the prayer for anticipatory bail of petitioner is hereby rejected. However, if the petitioner surrenders within four weeks from today then the Trial Court without being prejudiced that anticipatory bail is not maintainable under the statue shall consider this aspect that no recovery has been made from the conscious possession of the petitioner and shall pass order on regular bail in course of the day.

(Dr. Anshuman, J)

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