

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20046 of 2025

Arising Out of PS. Case No.-239 Year-2019 Thana- OBRA District- Aurangabad

Phulendra Yadav @ Fulendra Yadav Son of Suryadayal Yadav Resident of
Village - Mahadewa, P.S. - Obra, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Obra P.S. Case No. 239 of 2019, dated 27.08.2019, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending before the Court of Special Judge, Excise Court No. 02, Aurangabad, Bihar.

3. As per the prosecution, total recovery of 20 litres of illicit liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. It is further submitted that the petitioner was not apprehended from the spot, and his name has figured in this case solely on the



basis of the confessional statement of the local *chowkidar*. Counsel also submits that nothing has been recovered from the possession of the petitioner. However, it is fairly submitted that the petitioner does not have a clean criminal antecedent, as four criminal cases are pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there are four criminal cases pending against the petitioner, all of which are related to the Excise Act.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby **rejected**.

(Dr. Anshuman, J.)

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