

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26484 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- YADOPUR District- Gopalganj

Rakesh Yadav @ Rakesh Kumar S/O Rudal Yadav Village- Daleya, PS-
Kuchikote, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jadopur P.S. Case No. 05/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, on secret information police officials reached at the place of occurrence. It is alleged that the petitioner and other have kept liquor near the Chharki Bandh situated at Malahi Tola, Bishunpura. It is further alleged that 36 liters illicit country made liquor was recovered from the bag of co-accused Santosh Kumar. It is further alleged that 144 liters illicit country made liquor was also recovered from the said place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent. The name of the petitioner transpired in this case on the basis of secret information and there is nothing on record to show as to who has disclosed the name of present petitioner. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. He further submits that the petitioner is not in any way connected with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned Additional District and Sessions Judge-13th cum Special Excise Court No.1, Gopalganj in connection with Jadopur P.S. Case No. 05/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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