

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26335 of 2025

Arising Out of PS. Case No.-350 Year-2019 Thana- TEKARI District- Gaya

Sanjit Kumar Yadav S/O Souvy Yadav @ Souru Yadav Resident of Village-
Dheuri Bihargan, Chaugain, P.S- Roushanganj, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Learned counsel for the petitioner is permitted to make necessary correction in Para 8 of the anticipatory bail petition filed on behalf of the petitioner during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Tekari P.S. Case No. 350 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, 205 litre Mahua liquor was recovered from the Alto car in question which was parked in Rameshwar garden in abandoned condition.

5. Learned counsel for the petitioner submits that



during the course of investigation, the name of the petitioner has been transpired in this case as the owner of the abandoned Alto car in question. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner is unaware of the fact that someone has kept illicit liquor in the said car which was parked near the side of road in abandoned condition. He further submits that the place where the said car is parked is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that just because of having criminal antecedents petitioner has falsely been implicated in the present case which was lodged due to high handedness of police. Petitioner bears criminal antecedent of three cases in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

7. Considering the facts and circumstances of the



case, 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 Exclusive Excise Judge No. 2, Gaya in connection with Tekari P.S. Case No. 350 of 2019, subject to the conditions as laid down under Section 482 (2) of BNSS.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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