

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31066 of 2025

Arising Out of PS. Case No.-28 Year-2011 Thana- Excise P.S. District- Gaya

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Kail Yadav @ Mahendra Yadav, S/o Hulas Yadav Resident Of Village-
Sidhpur, P.S.- Banke Bazar, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 28 of 2011 registered for the offences punishable under Section 47(a) & (f) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Allegedly, on a secret information, the house of the petitioner was raided and, in course of search, 300 Kg. Jawa Mahua and 10 lts. of illicit liquor were recovered leading to institution of the FIR and preparation of seizure list.

4. Learned counsel for the petitioner contended that, in fact, the house of the petitioner was kept abandoned and he has been residing outside for earning his livelihood and, a such, he was not knowing this fact that some illicit liquor was



recovered. The petitioner has stated on affidavit that till date he has neither been summoned nor any process has been served. There are various other discrepancies in search and seizure. Taking this Court through the impugned order, learned counsel for the petitioner further contended that the prayer for bail of the petitioner came to be turned down taking note of the statutory bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016'), which would not be applicable in the case of the petitioner, as the matter is of 2011.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that be that as it may, the petitioner was evading from law for the last 14 years.

6. So far the contention of the petitioner that his prayer for bail came to be rejected taking note of the statutory bar provided under Section 76(2) of the Act, 2016, would not be applicable finds substance; however, considering the materials available on record, especially the fact the petitioner has been evading from law for a pretty long time, this Court is not acceded to the prayer of the petitioner for anticipatory bail. Accordingly, his prayer is rejected.

7. This Court directs the petitioner to surrender before



the court below, preferably within a period of four weeks from today. In case, the petitioner surrenders before the court below and seeks regular bail, the same shall be considered on its own merit(s) and disposed off in accordance with law forthwith.

(Harish Kumar, J)

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