

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31464 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- CHANPATIA District- West Champaran

Nanhaki Yadav @ Nanki Yadav, S/o Sri Ratan Yadav, R/o Village- Basantpur,
P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner apprehends his arrest in connection with
Chanpatia P.S. Case No. 46 of 2025 dated 10.03.2025
registered for the offences punishable under Sections 274 and
275 of the B.N.S and Section 30(a) of Bihar Prohibition of
Excise Act.

3. As per the prosecution, on 10.03.2025 at about
08:10 A.M., during raid the informant, S.I. received a
confidential information about co-accused and petitioner selling
illicit liquor. After informing superior, the police team arrived at
the spot, two suspects fled away upon seeing the police party
and villagers and Mahal Chaukidar identified them as Rakesh
Kumar and Nanhaki Yadav (petitioner) and on the search of



surrounding area 20 litres of country made illicit liquor was recovered from the alleged place.

4. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 20 litres of illicit country made liquor kept in two plastic sacks from the alleged place and petitioner has been made accused mainly on the basis of disclosure made by the local Choukidar as well as villagers, who are said to have gathered upon seeing the police party and they claimed to have identified this petitioner and revealed before the police that the petitioner was involved in manufacturing the illicit liquor and selling the same but except this, there is no material to show the petitioner's involvement in the recovery of the illicit liquor. It is further submitted that though the petitioner has criminal antecedent of six cases but he is on bail in all these cases and the same is the main ground for falsely implicat him in the alleged recovery of the liquor.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR and the seizure memo. The instant matter relates to the recovery of 20 litres of illicit country made liquor and against the petitioner



there are criminal antecedents of six cases relating to the same nature of offences under Excise Act and the case is under investigation, so, in view of these facts and mainly provisions of Section 76(2) of the Bihar Prohibition and Excise Act, which prohibits the relief of anticipatory bail and the materials available on record, do not persuade this court to form the opinion that the petitioner has not remained involved in the alleged offence, so, this court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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