

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35781 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- MANSAHI District- Katihar

1. Ajay Yadav S/o- Jawahar Yadav R/o- Baddhuchak, PS- Katihar Sahayak, Distt- Katihar.
2. Mukesh yadav @ Baila S/o- Shambhu Yadav R/o- Baddhuchak, PS- Katihar Sahayak, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 15-09-2025 Learned counsel for the petitioner submits that *vide* order dated 06.08.2025 the anticipatory bail application with respect to petitioner no.2 had already been dismissed as withdrawn.

2. Heard learned counsel for the petitioner no.1 and learned A.P.P. for the State.

3. The petitioner no.1 apprehends his arrest in connection with Mansahi P.S. Case No.114 of 2024 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

4. As per the prosecution case, on secret information that some persons including the petitioners came at the police station on their vehicle and taken away some seized illegal



liquor by force for which a different F.I.R. bearing Mufassil P.S. Case No.256 of 2024 was registered. After getting the information, the police team proceeded to the house of accused persons and on the seeing the police, the accused persons fled away leaving their vehicle. On search of vehicle total 22.500 litre illicit foreign liquor was recovered from the Venue Car bearing Registration No. BR-09-AG-1010.

5. Learned counsel for the petitioner no.1 submits that petitioner is innocent and has been implicated in this case due to village politics. He further submits that petitioner no.1 has no concern either with the alleged seized liquor or with the vehicle from where the alleged recovery has been made. Learned counsel submits that no incriminating material has been recovered from the conscious possession of petitioner no.1. He further submits that seizure list has not been prepared in accordance with mandatory provisions of law. Learned counsel submits that petitioner no.1 has two criminal antecedents and he undertakes to cooperate in the investigation and trial.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner no.1 is involved in the commission of crime having two criminal antecedents. Therefore, he does not deserve the privilege of anticipatory bail.



He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner no.1, therefore, the anticipatory bail is not maintainable.

7. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and criminal antecedents of petitioner no.1 as well as the nature of allegation levelled against him, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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