

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36034 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- Excise P.S. District- Darbhanga

Rahul Yadav @ Rahul Kumar S/o Nakku Yadav R/o Vill- Ranipur, Ward no.06, p.s- Sadar Dist-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Excise (Prohibition) Sadar P.S. Case No. 93 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 177 liters illicit Nepali liquor from the Mango orchard, Yogyahi Pokhar (Near Bhuiyan Asthan) Ranipur. Co-accused Hare Krishna Sah, Chhotu Kumar, Pankaj Kumar and Narayanjee Mishra were apprehended at the place of occurrence and others managed to flee away. The apprehended accused persons disclosed the name of the present petitioner and others who are said to have fled away from the place of



occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. The mango orchard from where the alleged recovery has been made is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner is not in any way connected with the said Mango orchard. Except disclosure of co-accused persons, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of three case, in which he is already on bail. Learned counsel submits that because of having criminal antecedent petitioner has been falsely implicated in this case without any basis. 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. Learned counsel for the petitioner submits that co-accused Vikash Yadav @ Vikash Kumar Yadav has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 31620 of 2025.

5. The learned A.P.P. for the State vehemently



opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused has already been granted anticipatory bail, 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge I, Excise Act, Darbhanga in connection with Excise (Prohibition) Sadar P.S. Case No. 93 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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