

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38343 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Nayan Yadav @ Krishna Yadav Son of Suresh Yadav Resident of village -
Rajpur, P.S.- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Opposite Party/s : Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Raghunathpur P.S. Case No.123 of 2024 instituted under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 86 litres of country made
liquor has been recovered from the bush kept in two plastic bags
near Narhan Saryu river bank. The *chowkidar* disclosed the
name of escaped persons including petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case on the basis of disclosure made by local *chowkidar*.
Nothing has been recovered from possession of the petitioner.
Petitioner has no concern with the seized illicit liquor. The
seized liquor has been recovered from the bush near Narhan



Saryu river bank which is open and easily accessible by anyone.
The petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is a habitual offender involved in illicit liquor business having 10 criminal antecedents of similar nature. The petitioner, who fled away from the spot, was identified by the *chaukidar* present there. 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, therefore, the anticipatory bail is not maintainable. Thus, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and criminal antecedent of petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected.

(Sunil Dutta Mishra, J)

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