

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38423 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- GOPALPUR District- Gopalganj

Rahul Yadav S/o Mangal Yadav, R/o Village- Pipra, PS- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Gopalpur P.S. Case No.285 of 2024 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that a Car loaded with illicit liquor driven by the petitioner is coming from Village Jalebia Mod, the police team conducted raid at the place of occurrence and recovered 495 litre country made liquor from the Car bearing Registration No. DL-8BCAF-1851. It is alleged that driver of the car who is petitioner in the present case has fled away from the spot leaving his vehicle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case only on the basis of suspicion. He further submits that petitioner is neither driver nor owner of the seized vehicle and he has no concern with the alleged seized liquor. Learned counsel submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner has three criminal antecedents and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that huge quantity of liquor i.e. 495 litre country made liquor was recovered from the vehicle in question and petitioner is the driver of the said vehicle. He further submits that petitioner is a habitual offender having three criminal antecedents, out of which two cases are of similar nature, therefore, he does not deserve the privilege of anticipatory bail. He also 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.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as the criminal antecedents of petitioner of similar nature, 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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