

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42410 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Rambabu Yadav @ RAm Balak Yadav S/o Late Gulai Yadav @ Gulay Yadav
R/o Village- Inarwa, Ward No. 04, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-07-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehend his arrest in connection with Excise Jhanjharpur P.S. Case No.57 of 2025 lodged on 07.04.2025, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, the total recovery of 172.2 liter of illicit wine and 72 liters of Nepali country-made liquor have been made from the back of the house, which is subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that the petitioner has been falsely implicated in the present case. He further submits that the said alleged recovered has been made from the back of the house from where, petitioner has no concern. He further submits that the said recovery has not been made from conscious possession of the petitioner.

5. Counsel submits that the criminal antecedent of the petitioner is not clean having two criminal case pending against him, relating to Excise Act of 2020 and police has unnecessarily been made accused in this case.

6. Learned APP for the State opposes the prayer for bail and submits that antecedent is not clean.

7. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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