

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43958 of 2025

Arising Out of PS. Case No.-59 Year-2020 Thana- OBRA District- Aurangabad

Rajendra Yadav S/o- Surya Dayal Yadav Village- Mahdewa PS- Obra District-
Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Obra P.S. Case No.59 of 2020 lodged on 07.03.2020, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution, the total recovery of 50 kg mahua jawa has been made near a river, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner was not present on the spot and his name has been transpired only due to the reason that his antecedent is not clean. Counsel further submits that there are



four cases pending against him in which in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are four cases pending against him relating to excise matter and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. 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 the basis of ingredients under Excise Act, available against the petitioner, without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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