

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46936 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- BHORE District- Gopalganj

Mithun Yadav @ Abhay Yadav Son of Amarjeet Yadav R/O Village-
ChhotakiLuhasi, P.S.- Bhore, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bhore P.S. Case No. 98 of 2025 registered under Sections 30(a)
of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, on the alleged date and
time of occurrence, during course of patrolling, informant got
secret information that petitioner kept illicit liquor in the bushes
behind his house. On the basis of secret information, informant
along with raiding team reached near the house of the petitioner
and on search, total 32.40 litres of country made liquor was
recovered from the bushes situated near the house of the
petitioner. It is alleged that after seeing the police party,



petitioner fled away from the spot identified by the local villagers.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to suspicion. Further submission is that the alleged recovery of illicit liquor has been made from the bushes which is an open place easily accessible to anyone. Petitioner has no concern with the seized illicit liquor. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has 6 criminal antecedents of similar nature. Petitioner 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 petitioner is a habitual offender and he has got 6 criminal antecedents of similar nature. He has pointed out that police had got secret information of keeping illicit liquor at place of occurrence by the petitioner, which was found correct and was identified by the villagers, when the petitioner fled away from the spot. 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.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as the long criminal history of the petitioner, 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)

utkarsh/-

U		T	
---	--	---	--

