

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49911 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- Excise P.S. District- Madhepura

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1. Ajay Kumar @ Bambholi Yadav Son of Late Surendra Prasad Yadav Resident of village - Dwarka Tola Jeetapur, Ward No.- 10, Police Station - Murliganj, District - Madhepura.
 2. Mukesh Kumar Son of Makhan Prasad Yadav Resident of village - Dwarka Tola Jeetapur, Ward No.- 10, Police Station - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

7 31-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act 2018.

3. As per allegation in the FIR, total 313.125 litres of illicit liquor has been recovered from open field near Road side.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is named in the FIR, neither the incriminating article has been recovered from his



conscious possession. He further submits that petitioner has got five criminal antecedents and all the cases are of the same nature of the offence as stated in Para-3 of his bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has got five criminal antecedents and all the cases are of the same nature of offence.

6. On perusal of the First Information Report and impugned order dated 01.06.2024, it appears that the petitioner is named in the FIR and he has got five criminal antecedents and all are of the same nature of offence. As, Section 76 (2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation leveled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of **Ramvinay Yadav v. State of Bihar PLJR 2019 (2)**, so I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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