

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57658 of 2025

Arising Out of PS. Case No.-304 Year-2025 Thana- FATEHPUR District- Gaya

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Dharu Yadav @ Dharo Yadav @ Rishikesh Kumar S/o Rajendra Yadav, R/o
vill - Bahera, P.s- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate.

For the Opposite Party/s : Ms. Asha Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Fatehpur P.S. Case No.304 of 2025 instituted under
Sections 30(a) & 37 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information
that one black color Scorpio is standing at Bajrangbali More,
Fatehpur and illicit liquor was kept in it, the police team
conducted raid and recovered 2.5 litre beer from the said vehicle
bearing Registration No. BR-01FZ-9297. It is alleged that
apprehended co-accused disclosed the name of petitioner as fled
away person.

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



case being the owner of the Scorpio vehicle. He further submits that the Scorpio of the vehicle got impaired and after parking when he went to call the mechanic, in the meantime his car has been seized. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner has three criminal antecedents, out of which two cases belongs to Excise Act 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 the petitioner is the registered owner of the vehicle in question which was used in commission of crime and he fled away from the spot. He further submits that petitioner is a habitual offender as he has three criminal cases, out of which two cases belongs to Excise Act. It appears from the impugned order that the prosecution witnesses have supported the prosecution case. 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 allegation levelled against the petitioner, as stated above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

7. It is clarified that if petitioner surrenders before the learned Trial Court and seeks regular bail, the same shall be decided on its own merit without prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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