

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55776 of 2025

Arising Out of PS. Case No.-370 Year-2025 Thana- DHANARUA District- Patna

Vinod Yadav S/o Wigan Prasad @ Sanjay Yadav, Resident of Dhanarua, P.S.-
Dhanarua, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Dhanarua P.S. Case No.370 of 2025 instituted under
Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information
the police conducted raid and recovered 79.125 liter foreign
liquor under the roof of CNG tempo bearing Registration No.
BR-01-PP-6025. It is alleged that the said tempo belongs to
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been implicated in this case being
the owner of the tempo. He further submits that petitioner was
not present on the spot and he has no concern with the alleged



seized liquor. Learned counsel submits that no incriminating material has been recovered from the conscious possession of petitioner. He further submits that the tempo of petitioner is passenger vehicle and he use to give it on daily fare to driver. Learned counsel submits that petitioner has no criminal antecedent 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 petitioner is the owner of seized tempo and there is no satisfactory explanation as to who has brought the said illicit liquor in his tempo since he is the owner of said vehicle. Therefore, the petitioner is presumed to be involved in the occurrence and he does not deserve the privilege of anticipatory bail. 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 failure to offer satisfactory explanation by 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 surrender before the learned Trial Court and seek 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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