

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57729 of 2025**

Arising Out of PS. Case No.-250 Year-2025 Thana- SIRDALA District- Nawada

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Lalan Kumar @ Lalu yadav S/O Ram Briksha Yadav R/O Vill.- Kharaundh,  
P.S.- Sirdala, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, 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 Sirdala P.S. Case No. 250 of 2025 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 80 liters country made liquor which was kept in the sack from the motorcycle bearing registration no. BT-27R-0783. The petitioner fled away from the spot who was identified by the local chaukidar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case due to ulterior motive being the owner of the motorcycle in question. There is no recovery from the conscious possession of the petitioner. 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 huge quantity of illicit liquor was recovered from the motorcycle of the petitioner driven by him. Therefore, 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, submissions of learned counsel for the parties and the recovery of huge quantity from motorcycle of the petitioner driver by him, 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)**

AjayMishra/-

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