

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65807 of 2025

Arising Out of PS. Case No.-364 Year-2021 Thana- SONEPUR District- Saran

Ratnesh Yadav @ Ratnesh Kumar S/O Akhilesh Kumar Resident of Village-
Pahleza, Shahpur, Diyara, P.S.- Sonepur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Sonepur P.S. Case No. 364 of 2021 registered for the offences punishable under Sections 30(a), 38, 40(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 22.950 liters of illicit foreign liquor from the Tempo bearing Reg. No. BR31PA-2526. Apprehended co-accused Anil Ram disclosed the name of petitioner who had asked him to carry the said liquor to Digha.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated



in this case. It is orally submitted that petitioner is not the owner of the Tempo in question. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. There is no compliance of the provisions of Section 100(4)(6) of Cr.P.C. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of 2nd Exclusive Special Excise Judge, Saran at Chapra in



connection with Sonepur P.S. Case No. 364 of 2021, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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