

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68697 of 2025

Arising Out of PS. Case No.-250 Year-2025 Thana- MANJHI District- Saran

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Prem Kumar Yadav @ Prem Yadav, Son of Krishna Yadav, R/O Vill-
Dumaigarh, P.S.- Manjhi, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-10-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Manjhi P.S. Case No.250 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegedly, in course of patrolling, the police on a secret information apprehended one Rajmuni Devi. In course of search, total 295.300 lts. of foreign liquor was recovered from her hut. The apprehended person disclosed the name of the petitioner as trader of illicit wine leading to institution of the FIR.

4. Learned Advocate for the petitioner submitted that save and except the disclosure made by the apprehended accused person, that too before the police, which has no



evidentiary value in the eyes of law, there is no material suggesting complicity of the petitioner in crime. The reason for false implication of the petitioner is said to be his criminal antecedent as has been disclosed in para-3 of the bail application. There is no compliance of the provision of Section 103 of B.N.S.S., besides other infirmities in the search and seizure. That apart, the witnesses to the seizure are also the police personnel.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that multiple criminal antecedents of the petitioner in different nature of crime clearly suggests that he is habitual offender, besides the fact that the apprehended person disclosed his name.

6. Regard being had to the submissions made on behalf of the parties and taking note of multiple criminal antecedent, 15 in numbers as also the mandate of the Apex Court in the case of **Lavesh v. State (NCT of Delhi) [(2012) 8 SCC 730]**, that a person having criminal antecedent does not deserve the extraordinary relief of anticipatory bail, this Court is not acceded to the prayer for anticipatory bail to the petitioner. Accordingly, his prayer is rejected.

7. In case, the petitioner surrenders before the court



below, preferably within a period of four weeks from today and
seeks regular bail, the same shall be considered in terms with
the provisions of the Bihar Prohibition & Excise Act, 2016
without being prejudiced by the present order.

(Harish Kumar, J)

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