

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65258 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- YADOPUR District- Gopalganj

Rakesh Kumar Yadav Son of Rudal Yadav R/o Village - Daleya, P.S. -
Kuchaikote, Dist. - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla

For the Opposite Party/s : Mr.Harendra Prasad

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. The petitioner is apprehending his arrest in connection with Yadopur P.S. Case No. 137 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, altogether 165.060 litre illicit liquor was recovered from the bushes along the roadside and apprehended co-accused Vikash Kumar disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of apprehended co-accused Vikash Kumar, there is nothing on record to demonstrate the complicity of the



present petitioner with the alleged occurrence. Petitioner was not found at the place of occurrence. He further submits that place of recovery is an open place and petitioner cannot be held liable for the alleged recovery. Petitioner has nothing to do with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that just because of having criminal antecedents petitioner has falsely been implicated in the present case.

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

6. Considering the facts and circumstances of the case, 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 his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 13th cum Special Excise Court No. 1, Gopalganj in



connection with Yadopur P.S. Case No. 137 of 2025, subject to
the conditions as laid down under Section Section 482 (2)of
BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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