

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90332 of 2024

Arising Out of PS. Case No.-343 Year-2024 Thana- NAUTAN District- West Champaran

Rupesh Kumar @ Rupesh Yadav Son of Rudal Yadav Resident of Village -
Dakshin Telhua, Police Station - Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-01-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 343 of 2024 dated 22.09.2024 registered under Section 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the first information report a total quantity of 09 liters of foreign wine has been recovered from a hut belonging to the petitioner- Rupesh Kumar @ Rupesh Yadav.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence in the manner alleged. The petitioner has falsely been implicated by the Police due to oblique motive. He submits that illicit liquor has not been recovered from the conscious possession of the petitioner. He further submits that during search and seizure



the provisions under Section 100 Cr.P.C. has not been followed.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has been recovered from the hut belonging to the petitioner and the petitioner is having criminal antecedent of similar nature of offence relating to Excise Act as well as in view of the judgment of the Full Court of this Court passed in Cr. Appeal (SJ) No. 431 of 2019 Ram Vinay Yadav versus The State of Bihar, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

6. However, if the petitioner surrenders and seeks regular bail, the same shall be considered on its own merit on the same day without being prejudiced by the fact that the present anticipatory bail application has been rejected by this court.

(Anil Kumar Sinha, J)

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