

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21769 of 2026

Arising Out of PS. Case No.-123 Year-2025 Thana- Excise P.S. District- Madhubani

Rakesh Kumar @ Rakesh Kumar Yadav S/o- Vijendra Yadav @ Bijendra Yadav R/o - Kamalwari, Belhi, Ward No.06, P.S - Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Alias Ashok Karn, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Sadar (Excise) P.S. Case No. 123 of 2025 lodged on 05.04.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, pending in the Court of Exclusive Special Judge Excise, Madhubani.

3. As per the prosecution, FIR has been lodged against owner of a vehicle. Total recovery of 53.005 litres of illicit liquor has been made, which is the subject matter of the present case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and he was also not present at the alleged place of occurrence. Counsel submits the petitioner's name has figured in this case due to the reason that he is the owner of seized motorcycle. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is registered under Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being



prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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