

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21858 of 2026

Arising Out of PS. Case No.-414 Year-2025 Thana- PHULPARAS District- Madhubani

Saroj Yadav @ Saroj Kumar Yadav Son of Lakshmi Yadav @ Lakshmi Narayan Yadav R/o Village - Inarwa, Ward No.- 05, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar, 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 Phulparas P.S. Case No. 414 of 2025 lodged on 30.09.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Special Judge (Excise) Act, Jhanjharpur, Madhubani.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. Total recovery of 342 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 his name has figured in this case on the basis of secret information. Counsel submits that the alleged recovery of liquor has been made from different bushes which is an open place and the petitioner has no concern with the same. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are three cases pending against him and in all the cases, 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 are three cases 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 stands 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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