

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40047 of 2026

Arising Out of PS. Case No.-96 Year-2026 Thana- GRIYAK District- Nalanda

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Jitendra Yadav @ Jito, S/o Rupa Yadav, Resident of Village - Nichali Bazar,
Giriyak, P.S. - Giriyak, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No. I, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Giriyak P.S. Case No.96 of 2026 registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act as well as Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 13 liters of IMFL/country-made liquor from motorcycle and 21 liters from house of house.

4. It is submitted by learned counsel appearing for petitioner that petitioner is not connected in any manner with



the seized motorcycle. It is also pointed out that even the house from where 21 liters of illicit liquor was said to be recovered was taken on rent by co-accused Ajay Kumar. It is pointed out that on the basis of disclosure made by apprehended co-accused namely, Ajay Yadav and Arvind Kumar, the name of this petitioner transpired with present recovery of illicit liquor. It is pointed out that the reason for suspicion *qua* implication of petitioner with present recovery is also his criminal antecedent, as he found involved in nine more criminal cases, where he is on bail in eight cases. It is submitted that if the merit of case is otherwise in favour of accused merely on the basis of his criminal antecedent, the prayer of bail ordinarily should not be rejected and in support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by



taking of note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Session Judge-V-cum-Special Judge (Excise), Bihar Sharif, Nalanda in connection with Giriyak P.S. Case No.96 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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