

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8794 of 2025

Arising Out of PS. Case No.-149 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Ashok Kumar @ Ashok Kumar Yadav Son of Late Yogendra Prasad Yadav
Resident of Village - Fulkaha Ward No.1, P.S. - Gamhariya, District -
Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh-1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Excise Case No. 646 of 2020 arising out of Gamhariya Excise P.S. Case No. 149 of 2020-21 registered for the offences punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 16.50 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor was recovered



from a bush developed in southern side of the house of this petitioner, which is an open place and accessible by general public. It is submitted that admittedly, as per seizure list, illicit liquor not appears to be recovered from physical possession of this petitioner, who is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from physical possession of this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – VII-cum- Special Judge, Excise-II, Madhepura/concerned court in connection with Excise Case No. 646 of 2020 arising out of Gamhariya Excise P.S. Case No. 149 of 2020-21, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha
Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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