

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22523 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- GOPALPUR District- Bhagalpur

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1. Kanhaiya Yadav @ Kanhaiya Kumar S/o Dhaneshwar Yadav R/o vill -
Latra, P.S.- Gopalpur, Distt.- Bhagalpur
 2. Shibshankar Yadav @ Shibshankar Kumar S/o Yogendra Yadav R/o vill -
Tintanga, P.S.- Gopalpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-05-2025 Learned counsel for the petitioners is permitted to
make necessary correction in para 12 of the bail petition during
course of the day.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

3. The petitioners are apprehending their arrest in
connection with Gopalpur P.S. Case No. 05/2025 registered for
the offences punishable under Section 30 (a) of the Bihar
Prohibition of Excise Act.

4. As per prosecution case, there is alleged
recovery of 70.320 liters foreign liquor from the Maruti car in
question. It is alleged that apprehended co-accused Sachin



Kumar disclosed the name of petitioners and it is alleged that petitioner no.1 had purchased the said illicit liquor from petitioner no.2.

5. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. Petitioner no.1 bears two criminal antecedent and petitioner no.2 bears four criminal antecedent. He further submits that the petitioners are not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioners have roped in a case one after another in a routine manner. The petitioners are not registered owner of the said car in question and there is no compliance of Section 103(8) of the B.N.S.S. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners.



7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Bhagalpur in connection with Gopalpur P.S. Case No. 05/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Alok Kumar Pandey, J)

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