

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23603 of 2025**

Arising Out of PS. Case No.-79 Year-2022 Thana- DEV District- Aurangabad

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Birendra Yadav @ Birendra Kumar Son of Kamlesh Yadav Resident of  
village- Kanchanpur (Chingi), Eraura PS- Deo District -Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Uma Kant Mishra, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      30-04-2025                      Heard learned Counsel for the petitioner and learned  
APP for the State.

2. The petitioner is apprehending arrest in connection  
with Deo P.S. Case No. 79/2022 registered on 04.04.2022 for  
the offences punishable under Section 30(a) of the Bihar  
Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the present case pertains to  
the recovery of 74.4 liters of country-made liquor from a  
motorcycle.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. It is  
contended that the petitioner is neither the owner of the  
motorcycle in question nor in any way connected with the  
alleged recovery. No incriminating article has been recovered  
from the physical possession of the petitioner. He has been



implicated in the present case merely on the basis of suspicion. It is further submitted that the petitioner is accused in one other criminal case, but in that case, he is already on bail.

5. Learned APP for the State opposes the prayer for bail.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Deo P.S. Case No. 79/2022, pending before the learned Additional District and Sessions Judge -cum- Exclusive Special Judge Excise Court No.1, Aurangabad, is hereby rejected.

7. However, it is directed that the petitioner shall surrender before the Trial Court within a period of four weeks from today. In case the petitioner surrenders within this period, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

**(Dr. Anshuman, J)**

Ashwini/-

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