

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27627 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- LARJHAGHAT District- Samastipur

Brajesh Yadav @ Shri Brajesh Yadav @ S/O Late Saudagar Yadav @ Sodagar
Yadav R/O Village- Belsandi Ward No.-9, P.S- Larjhghat, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Larjhaghat P.S. Case No. 05 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involve in trade of illicit wine. The police conducted raid and recovered 17.25 liters of Indian made foreign liquor from the maize and potato field, situated in front of the house of the petitioner. It is further alleged that on noticing the police party, the petitioner succeeded in fleeing away.

4. Learned Advocate for the petitioner contended that admittedly the alleged recovery has been made from an open



maize field, but the same does not belong to the petitioner. Only on account of the fact that the field is situated in front of the house of the petitioner, his name has been implicated in this case, without there being any substance. Moreover, the petitioner has neither any concern with the illicit wine nor during the course of investigation, any incriminating material has surfaced suggesting the complicity of the petitioner. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that in view of Section 76(2) of the Bihar Prohibition and Excise Act, the anticipatory bail of the petitioner is not maintainable.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open field, coupled with the fair antecedent and the absence of any materials attracting the provisions under Section 76 (2) of the Bihar Prohibition and Excise Act, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Samastipur in connection with Larjhaghat P.S. Case No. 05 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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