

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31392 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- SISWAN District- Siwan

Rahul Kumar Yadav @ Chhotak Yadav S/o Late Bhikhari Yadav R/o Vill.-
Gyaspur, P.S.- Siswan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

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

3. The allegation against the petitioner is of involved in trade of illicit liquor. The police on a secret information conducted raid and in course of search, total 7.120 litres of Indian made foreign liquor and further 46.400 litres of country made liquor were recovered from the bamboo orchard situated behind the house of the petitioner.

4. Learned Advocate for the petitioner contended that admittedly the alleged recovery has been made from a bamboo orchard, which is not under the possession of the petitioner. The petitioner has neither any concern with the bamboo orchard nor



with the recovered illicit liquor. Only on account of one past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case on suspicion. There is no other material which suggests any connection of the petitioner with the recovered liquor; as also there is no compliance of the provisions under Sections 103 and 105 of the BNSS. The witnesses to the seizure list are none else, but the police personnel and the petitioner undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

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 bamboo orchard, which is not in the possession of the petitioner, coupled with the infirmities shown in the search and seizure, as also absence of ingredients attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed 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 Excise Court No. II, Siwan in connection with Siswan P.S. Case No. 30 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik 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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