

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33261 of 2025**

Arising Out of PS. Case No.-493 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

HARENDRA YADAV S/O Late Ramchandra Yadav Resident of village-  
Shital, Bardaha, PS- Kuchaikote, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      21-05-2025                      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 Kuchaikote P.S. Case No. 493 of 2024 registered for the offences punishable under Sections 317(5), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short the 'B.N.S') and section 30(a) of the Bihar Prohibition and Excise Act.

**3.** The allegation against the petitioner is to have in possession of **38.52** litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

**4.** Learned counsel appearing on behalf of the petitioner submitted that name of petitioner transpired on



disclosure of apprehended co-accused namely, Kishan Yadav. It is submitted that admittedly, recovery of illicit liquor was not made from physical possession of this petitioner. It is submitted that one of the reasons for implication of petitioner with the present case is that he was found involved in two more criminal cases of similar nature, wherein he is on bail.

**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 conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, 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 District & Sessions Judge-IV-cum-Exclusive Special Judge, Excise No. II, Gopalganj, in connection with Kuchaikote P.S. Case No. 493 of 2024, 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.”) and further condition:

(i) That petitioner shall not indulge in similar nature  
of case till the conclusion of trial, failing which the  
State shall be at liberty to move before the Trial  
Court itself for the cancellation of bail bond of the  
petitioner.

**(Chandra Shekhar Jha, J)**

Rajeev/-

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