

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31005 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- FESHAR District- Aurangabad

Bilendra Yadav @ Balindra Yadav, Son of Ramdev Yadav, Village-
Dilmohamadganj, PS- Phesar District- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Phesar P.S. Case No. 39 of 2025, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, (Amendment) 2018

3. In course of patrolling, on receipt of secret
information the police raided the Purnea Community Hall and
recovered 5 litres of illicit country made *mahua* liquor. It has
been disclosed by the local persons that the liquor belongs to the
petitioner.

4. Learned Advocate appearing on behalf of the
petitioner contended that admittedly the alleged recovery has



been made from a community hall which is easily accessible to all. Only on account of the fact that the community hall is situated in front of the house of the petitioner, his name has been implicated in this case, without there being any materials suggesting the complicity of the petitioner in crime. There are various other infirmities in the search and seizure, coupled with the non-compliance of Section 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita. The petitioner has absolutely fair antecedent and he undertakes before this Court that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest 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 a public place easily accessible to all, coupled with the fair antecedent and the lack of materials which attract the rigors provided under Section 76(2) of the Bihar Excise and Prohibition Act, 2016, 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 Special Judge, Excise Court No. 2, Aurangabad in connection with Phesar P.S. Case No. 39 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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