

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31621 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- KHAJAULI District- Madhubani

Diwakar Yadav @ Umesh Yadav Son of Harinarayan Yadav @ Hari Yadav
Resident of Village - Chapradhi, P.S.- Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Khajauli P.S. Case No. 18 of 2025 (G.R. No. 135 of 2025) registered for the offences punishable under Sections 274, 275 and 3(5) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 936 liters of illicit foreign liquor from the pick-up van.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything



incriminating has been recovered from his conscious possession. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Pawan Kumar Yadav. He further submits that the co-accused Nawal Kishore as well as Pawan Kumar Yadav have already been granted bail by this Court vide orders dated 07.04.2025 and 22.04.2025 passed in Cr. Misc. Nos. 21652 of 2025 and 23578 of 2025 respectively. The petitioner is not the owner of the alleged vehicle. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khajauli P.S. Case No. 18 of 2025 (G.R. No. 135 of 2025), subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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