

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35230 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- EXCISE TRIVENIGANJ District-
Supaul

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Upendra Yadav S/O Late Bhogilal Yadav R/O Village-Majurba, ward no. 1, PS-
Tribeniganj, Distt-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the State : Mr.Harendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the
seizure list, would go to show that 26.625 liters of foreign liquor
and 2.900 litres of cough syrup with codeine was recovered
under straw near a cattle shed.

4. It is submitted by learned counsel for the
petitioner that the name of the petitioner has surfaced in the
present case on account of secret information received by the
police. However, the petitioner has no concern with the seized
liquor and also the cattle shed. Further, the said shed is an open
area which is accessible to all. Further, it has also been
submitted that the son of the petitioner Vikesh Kumar has been



arrested and the name of the petitioner has also surfaced on the confessional statement of the said co-accused before the police which was taken on threat and coercion. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list and the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond 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 Triveniganj P.S. Case No. 123 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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