

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35794 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- KESARIA District- East Champaran

Achhelal Yadav @ Achhelal Kumar Yadav S/o Bahadur Rai, R/o Vill-
Kadhan, Ward No. 09, P.S.- Kesariya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 30-08-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kesariya P.S. Case No.93 of 2025 instituted under Sections
274 & 275 of the B.N.S., 2023 and under Section 30(a) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 45
liter country made liquor from Diara area of Village Kathan and
2000 liter kaccha pass which was destroyed at the spot. It is
alleged that the petitioner fled away from the spot after seeing
the police team.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to village politics. He further submits that petitioner
has no concern with the alleged recovered liquor. Learned
counsel submits that the recovery is made from an open place



which is accessible to public at large and petitioner has no concern with the said place. He further submits that no incriminating article has been recovered from the conscious possession of petitioner. Learned counsel submits that there is no independent witness in the seizure list. He further submits that petitioner has one criminal antecedent, in which he is on bail and he undertakes to cooperate in the investigation and trial.

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

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Kesariya P.S. Case No.93 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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