

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36953 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- MOHANPUR District- Gaya

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Kundan Kumar S/o Chullu Yadav Resident of Village- Dema Tola, Baburam
Bigha, P.S.- Mohanpur, District- Gaya,

... .. Petitioner/s

Versus

The State Of Bihar Advocate General Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
For the Opposite Party/s	:	Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Mohanpur P.S. Case No. 72 of 2025 dated 09.03.2025 registered under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. As per the prosecution case on 09.03.2025 police got secret information that the petitioner has kept illicit liquor hidden in his cow shed, reached at the place of occurrence and recovered 68.130 liters of illicit foreign liquor from the cow shed.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Recovery of illicit liquor has been made from cowshed, which is an open space accessible to all and sundry. The cowshed does not belong



to the petitioner and the same is situated outside the house of the petitioner. Police during search and seizure did not follow the provisions contemplated under section 103 of BNSS, 2023. The petitioner has no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner having no criminal antecedent and illicit liquor has been recovered from cow shed which is an open place accessible to all and sundry, accordingly, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 5, Gaya in connection with Mohanpur P.S. Case No. 72 of 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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