

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36975 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- KATEYA District- Gopalganj

1. NAGENDRA YADAV S/o Briksha Yadav @ Briksha Chaudhary R/o vill - Bhadohi, P.O. - Bankata Jagirdari, P.S. - Bhore, distt. - Gopalganj
2. Rahul Yadav @ Rahul Kumar Yadav S/o Ramashray Yadav R/o vill - Durga Chak, P.O.- Chhitauna, P.s.- Kateya, Distt.- Gopalganj
3. Kailash Chaudhary @ Ramkailash Chaudhary @ Ramkailash Yadav S/o Balistar Yadav R/o vill - Bankatia Tola Tar, P.O. - Rajapur, P.S.- Kateya, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-06-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kateya Police Station Case No. 144 of 2025, disclosing offences under Sections 317(5), 111 of the BNS, 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.
3. As per the prosecution case, on 17.03.2025 at around 5:45 am, during patrol duty, police received a secret information that liquor traders Nagendra Yadav (petitioner no.



1), Faizad, Sandip Gond, Rampravesh Kushwaha, and Arvind Yadav were transporting liquor from Ramkola, U.P., using a Scorpio vehicle and two motorcycles via Deoria, Charmohani road. The police party intercepted the vehicles. The motorcycle riders fled, and two men came out from the Scorpio vehicle and tried to escape. One, Arvind Yadav, was apprehended, while the other escaped. Arvind Yadav disclosed the names of the other persons involved and revealed they operate a liquor syndicate led by Nagendra Yadav (petitioner no. 1), who financed the trade. Apprehended co-accused Arvind also stated that liquor was recently delivered near Nagendra's house for Holika Dahan celebrations. During the search, 621 litres of country-made liquor were recovered from 69 containers hidden under the middle and back seats of the Scorpio bearing Reg. No. JH05AD6853.

4. Learned Counsel for the petitioners submits that the petitioner has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. Allegation against petitioner no. 1 is that he was a liner and allegation against petitioner nos. 2 and 3 is that they unloaded the liquor near the house of petitioner no. 1. Petitioners have been made accused merely on the basis of



confessional statement of a co-accused namely Arvind Yadav. Petitioners were not present at the place of occurrence. Petitioners are not the owner of the seized vehicle.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner no. 3 is having four criminal antecedents of similar nature of offence, I am not inclined to grant the petitioner no. 3 privilege of anticipatory bail. Insofar as petitioner nos. 1 and 2 are concerned, their names have been disclosed by the arrested co-accused and they are not the owner of the Scorpio vehicle, I am inclined to grant the petitioner no. 1 and 2 privilege of anticipatory bail.

6. This application is partly allowed to the extent indicated above.

7. Let the petitioner nos. 1 and 2, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII cum Special Judge Excise Court No. 1, Gopalganj, in connection with Kateya Police Station Case No. 144 of 2025, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure/Section 482(2) of the
BNSS, 2023.

(Anil Kumar Sinha, J)

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