

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43733 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- Darhar District- Saharsa

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Chandra Bhushan Kumar @ Bhushan Yadav @ Chandra Bhushan Yadav @
Chandra Bhushan Kumar Yadav S/o- Bhup Narayan Yadav Resident of
village- Naula ward no.3 P.S.- Darhar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-07-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Darhar P.S. Case No. 26/2025 registered on 09.04.2025 for
the offences punishable under Sections 30(a) and 41 of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution, a total recovery of 107.635
liters Indian Made Foreign Liquor is the subject matter of the
present case.

4. It is submitted by learned counsel for the petitioner
that the petitioner is innocent and has committed no offence.



The petitioner's name has been implicated in this case solely on the basis of suspicion arising from the confessional statement of a co-accused, and there is no other evidence against him. It is further submitted that the co-accused had taken money from the petitioner for personal business purposes, and when the petitioner demanded repayment, a heated altercation took place, following which the co-accused falsely named the petitioner in the present case with mala fide intention. Moreover, no recovery has been made from the possession of the petitioner. Learned counsel further submits that the petitioner is neither the driver of the vehicle from which the alleged recovery of liquor was made, nor does he have any connection with the said seized liquor. The petitioner has clean criminal antecedents.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is clean.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the Exclusive Special Judge,



Excise-I, Saharsa, in connection with Darhar P.S. Case No. 26/2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Ashwini/-

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