

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49808 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- KATHAIYA District- Muzaffarpur

Madan Kumar Yadav @ Madan Rai Son of Premi Rai R/O Village- Gaura,
P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with Kathaiya PS Case No. 84 of 2025 instituted for the offences under Sections 30(a) & 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 262.90 litres of liquor was recovered, out of which 259.920 litres of illicit liquor has been recovered from *Ghurvana* pond.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The name of the petitioner transpired in this case on the basis of disclosure made by apprehended co-accused person. Learned counsel for the petitioner, therefore, contends that prima-facie



no case is made out against the petitioner. Learned counsel for the petitioner submits that recovery is made from an open place, which is accessible to public at large. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Other co-accused has been granted bail by this Court vide order dated 24-06-2025, passed in Cr. Misc. No. 39698 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kathaiya PS Case No. 84 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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