

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49975 of 2025

Arising Out of PS. Case No.-232 Year-2025 Thana- FORBESGANJ District- Araria

Sanni Kumar Yadav, S/o Arbind Kumar Yadav, R/o Village- Darbhangia Tola,
Ward No. 13, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Forbesganj P.S. Case No. 232 of 2025 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The petitioner is said to have been involved in transportation of illicit liquor. In course of vehicle checking, on noticing the police party allegedly the petitioner threw the bag containing 38 litres of *Chulai* liquor and succeeded in fleeing asway.

4. Learned Advocate for the petitioner submitted that the implication of the petitioner in the present case appears to be wholly suspicious, as the checking was taken place during the night and there was no means of identification. In fact, the entire case is based on suspicion; moreover, there is no other material



suggesting the complicity of the petitioner in the crime. In course of investigation, neither any incriminating material has been recovered from the whereabouts of the petitioner nor any cogent material has been collected. The petitioner is a man of fair antecedent and only on the basis of suspicion, his name has been implicated in this case.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that in view of the materials available on record and taking note of the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, the anticipatory bail application is not maintainable.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that there is no material collected during the course of investigation, which, *prima face*, suggest complicity of the petitioner in the crime, apart from the fair antecedent of the petitioner and the lack of materials which attract the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Araria in connection with Forbesganj P.S. Case No. 232 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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