

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64640 of 2025

Arising Out of PS. Case No.-422 Year-2025 Thana- Excise P.S. District- Siwan

Sri Bhagwan Yadav @ Sri Bhagwan Chaudhary, Son of Late Sukhdev Yadav,
Resident of Village - Harihans, P.S. - Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Siwan Excise P.S. Case No. 422 of 2025, registered for the
offences punishable under Sections 30(a), 32(3) and 52 of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved
in trade of illicit wine. The police raided the house of the
petitioner and in course of search recovered total 900 litres of
country made liquor.

4. Learned Advocate appearing on behalf of the
petitioner taking this Court through the search and seizure
memo submitted that had the recovery been made from the



house of the petitioner, there would have been signature of any of the family members, but the witnesses are none else, but the police personnels. Moreover, the house in question belongs to a joint family property and in case any recovery has been made, the petitioner cannot be held responsible. However, only on account of one criminal antecedent of identical nature, suspicion has been raised and the name of the petitioner has been implicated. There are various other infirmities in the search and seizure, coupled with the non-compliance of the prescriptions provided under Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita. The petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that recovery from the house of the petitioner clearly bars the anticipatory bail in terms with Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the serious infirmities in the search and seizure, coupled with the submissions that the house in question is a joint family property and there is no other cogent materials showing the



complicity of the petitioner in crime and thus, in view of the aforesaid facts, the materials available on record do not attract the rigors provided of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Court No. II, Siwan in connection with Siwan Excise P.S. Case No. 422 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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