

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59721 of 2025

Arising Out of PS. Case No.-214 Year-2025 Thana- KOTWA District- East Champaran

Vinay Yadav S/O Akilan Yadav Resident of Village- Jagir Karariya, P.S-
Kotwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the State : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Kotwa P.S. Case No. 214 of 2025, dated
09.06.2025 registered for the offences punishable under
Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise
Act.

3. As per allegation, 129.600 litre of illicit liquor has
been recovered from the *bathan* (cowshed) of the co-accused,
namely, Raj Kumar Yadav. As per further case of the
prosecution, when the police has gone to search the place of
occurrence, the petitioner was one of the persons who fled away
after seeing the police.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that there is not material on record to show that the petitioner was present at the place of occurrence. He further submits that the petitioner has nothing to do with the alleged offence. He further submits that the co-accused, from whose house the contraband has been recovered, is already enlarged on anticipatory bail. He further submits that there is no material on record to constitute prima facie case against the petitioner and hence, the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Kotwa P.S. Case No. 214 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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