

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62122 of 2025**

Arising Out of PS. Case No.-140 Year-2025 Thana- PANDAUL District-
Madhubani

- =====
1. Kanhaiya Kumar @ Kanhaiya Kumar Yadav S/o Late Ramesh Yadav R/o Village- Mohanpur, P.S.- Pandaul, District- Madhubani
 2. Pradeep Kumar Mukhiya @ Pradeep Kumar S/o Late Ramchandra Mukhiya R/o Village- Tetraha, P.S.- Pandaul, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and the

learned Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Pandaul P.S. Case No. 140 of 2025 dated 27.06.2025, disclosing offence under Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2022 (hereinafter referred to as 'the Act').

3. According to the prosecution case, 65.4 liters of Nepali liquor has been recovered from the back side of the house of Dukhi Yadav covered under the straw.

4. Learned counsel for the petitioners submits that



the petitioners having no criminal antecedents are innocent and have not committed any offence. He further submits that according to the seizure list, it is apparent that the alleged recovery of liquor is made from the back side of house of Dukhi Yadav covered under the straw which is accessible to all the people. The petitioners have no concern with the alleged recovery of liquor. No illicit liquor has been recovered from the conscious possession of the petitioners and/or from their house.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Regard being had to the submission made by the parties and taking into consideration the fact that the alleged recovery of illicit liquor has been made from the back side of the house of Dukhi Yadav and the petitioners are of clean antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Exclusive
Special Judge, Excise, Madhubani in connection with Pandaul
P.S. Case No. 140 of 2025, subject to the condition laid down
under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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