

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62190 of 2025**

Arising Out of PS. Case No.-11 Year-2025 Thana- Excise P.S. District-
Madhepura

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Brajesh Kumar S/O Umesh Yadav R/O Village- Pithahi, Ward No 09, PS
and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay 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 petitioner and the
learned Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Madhepura Excise P.S. Case No. 11 of 2025 (Excise Case No. 513 of 2025) dated 13.01.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

3. According to the prosecution case, 2.70 liters of illegal codeine cough syrup and 45 liters of illegal country made liquor has been recovered from tea stall situated at Pithahi Chowk, Madhepura and the police apprehended one co-accused, Mukesh Kumar, who disclosed the name of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He further submits that according to the seizure list, it is apparent that the alleged recovery of codeine cough syrup and the liquor is made from the tea stall. He further submits that the name of petitioner transpired in this case mere on the disclosure of co-accused, Mukesh Kumar Yadav, who has been apprehended by the police on the spot. The petitioner has no concern with the alleged recovery of liquor. No illicit liquor has been recovered from the conscious possession of the petitioner and/or from his house.

5. Learned A.P.P. for the State has opposed the prayer for bail and submits that the petitioner has got one more case of similar nature other than the present one.

6. Regard being had to the submission made by the parties and taking into consideration the fact that the alleged recovery of illegal codeine cyrup and illicit liquor has made from the tea stall and the name of petitioner has been surfaced in this case on the basis of disclosure of apprehended person, Mukesh Kumar Yadav and also nothing incriminating has been recovered from the conscious possession of the petitioner, I am inclined to grant the



privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII -cum-Special Excise Judge-II, Madehpura in connection with Madhepura Excise P.S. Case No. 11 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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