

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65276 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- KUMAR KHAND District- Madhepura

1. Anil Yadav @ Anil Kumar S/O Late Gajendra Yadav R/O Shivanagar Jamuaha, P.S.- Belari, District- Madhepura
2. Gautam Kumar S/O Anil Kumar @ Anil Yadav R/O Shivanagar Jamuaha, P.S.- Belari, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kumarkhand (Belari) P.S. Case No. 82 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, informant got secret information that near the poultry farm situated at Sakin – Gidrahi, ward no. 2, illicit liquor is being brought on a Pick-up van by the petitioners and others. Thereafter, informant alongwith police officials reached on the spot and recovered altogether 365.625 litre illicit liquor from the Pick-up van in



question and 21 plastic sacks from the place of occurrence.

4. Learned counsel for the petitioners submits that the place of recovery is an open place and petitioners cannot be held liable for the alleged recovery. He further submits that neither the poultry farm nor the alleged Pick-up van in question belongs to the petitioners. Petitioners were not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioners. They have nothing to do with the alleged recovery. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the



learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge V cum Special Judge Excise Court – I, Madhepura in connection with Kumarkhand (Belari) P.S. Case No. 82 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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