

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66293 of 2025**

Arising Out of PS. Case No.-492 Year-2023 Thana- NAUTAN District- West Champaran

Madan Yadav @ Madan Kumar Yadav S/o Late Dhrup Yadav, R/o Village-  
Baira Parsauni, P.S.- Nautan, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate  
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      24-09-2025                      Heard the learned counsel for the petitioner and the  
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 492 of 2023, dated 29.11.2023, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 16.140 litres of illicit country made foreign liquor was recovered from a sack covered by bundle of straw.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner and the said bundle of straw is not the property of the petitioner. Petitioner has no concern with the



alleged recovery. He further submits that recovery has been made from an open place which is accessible to general public. Petitioner was not arrested from the spot and name of this petitioner transpired in the present case on the basis of disclosure made by mahal chowkidar and except the aforesaid, there is no cogent material available on record which suggests the involvement of the petitioner in the alleged occurrence. He lastly submits that petitioner carries two criminal antecedents, out of which one is of similar nature lodged in the year 2022 and petitioner is on bail in both the cases.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner, the said property does not belong to the petitioner and recovery has been made from an open place which is accessible to one and all, let the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the learned trial Court within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the



like amount each to the satisfaction of the learned Exclusive  
Special Judge, Excise Court-I, Bettiah, West Champaran in  
connection with **Nautan P.S. Case No. 492 of 2023**, subject to  
the conditions laid down under Section 438(2) of the Cr.P.C. /  
Section 482(2) of the B.N.S.S.

**(Ajit Kumar, J)**

Shahnawaz/-

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