

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68823 of 2025

Arising Out of PS. Case No.-275 Year-2025 Thana- KALYANPUR District- Samastipur

Akhilesh Kumar Yadav @ Akhilesh Kumar Son of Rajendra Yadav @ Jino
Ray R/o Vill- Pirari, P.S. - Laheriasarai, Dist. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Adv
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 275 of 2025 registered for the offence punishable under Sections 30(a), 41(1) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 1408.32 litres illicit liquor was recovered from the Scorpio and *Tahkhana*. It is alleged that spy and villagers disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that form perusal of FIR, it is not clear as to who



has divulged the name of petitioner, and hence the authenticity of the FIR is doubtful. The petitioner is neither owner nor driver of the seized vehicle. Petitioner bears no criminal antecedent. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Seizure list has not been made as per law. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submitted that the name of the petitioner has been disclosed by spy and villagers and petitioner cannot escape from the allegation made in FIR. In the light of aforesaid facts petitioner does not deserve the anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner and petitioner is neither owner nor driver of the vehicle, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Samastipur in connection with Kalyanpur P.S. Case No. 275 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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