

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69045 of 2025

Arising Out of PS. Case No.-320 Year-2025 Thana- BABUBARHI District- Madhubani

Kundan Yadav @ Kundan Kumar @ Kundan Kumar Yadav S/O Karan Yadav
@ Ram Karan Yadav R/o Village - Baraki Tol Rauahi , P.S.- Babubarhi,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagan Deo Yadav, Advocate
		Mr. Vinod Kumar, Advocate
For the Opposite Party/s :		Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Babubarhi P.S. Case No. 320 of 2025 registered for the offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution story, on 19.07.2025, during patrolling, the informant received information that a white Scorpio (Reg. No. MHOIAH8916) had hit someone in village Ruahi. Upon reaching the site, the police found the vehicle with three bags of liquor but the driver had fled. In the presence of two officials, 126 liters of wine were recovered. A local,



Ramchandra Yadav, stated the vehicle occupants had kidnapped his son and identified the men involved, including Kundan Yadav (petitioner). Later, near Barki Tol, Rauahi, Dhanbir Yadav was caught with a motorcycle (Reg. No. BR32AR3319) carrying 42.9 liters of Nepali Mama Sri illicit liquor. Both vehicles and the liquor were seized, and a seizure list was prepared in the presence of official witnesses.

4. Learned counsel for the petitioner submits that one Scorpio vehicle bearing Reg. No. MHOIAH8916, met with an accident and thereafter, three persons including this petitioner, is alleged to have been seen taking away the Nepali illicit liquor from the said Scorpio vehicle and during the course of taking away of the said Nepali illicit liquor, one person, namely, Dhanbeer Yadav, is said to have been arrested by the Police and on the basis of information given by the local persons, the name of the petitioner is said to have surfaced while the fact is that the seized articles does not belong to the petitioner and at the time of accident, this petitioner was at his house doing labour services and has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the



parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and / or premises belonging to the petitioner and the petitioner has clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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, Madhubani, in connection with Babubarhi P.S. Case No. 320 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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