

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68863 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- SONBERSHA RAJ District- Saharsa

Gopal Yadav @ Gopal Kumar Yadav S/o Ramchandra Yadav R/o vill- Bhada,
ward no 4, P.S.- Sonbarsa Raj, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Adv

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, 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 Sonbarsa Raj P.S. Case No. 117 of 2025 registered for the offence punishable under Sections 30(a), 44 of Bihar Prohibition and Excise Act, 2018.

3. As per seizure list, 2 litre country made liquor and 50 plastic bags used for packaging of illicit liquor were recovered from house of petitioner and co-accused Nishi Kumari was apprehended on the spot.

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. Petitioner bears two criminal antecedent in which he is on bail.



He further submits that alleged place of recovery is a joint house property and petitioner cannot be held liable for the alleged recovery. No incriminating article has been recovered from possession or house 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 in accordance with 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 submits that the alleged recovery was made from the house of the petitioner hence, petitioner cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, 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, Saharsa in connection with Sonbarsa Raj P.S.
Case No. 117 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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