

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82655 of 2025

Arising Out of PS. Case No.-737 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Lalkun Yadav Son of Late Annaya Yadav Resident of Village - Simraha Tola,
Rajbara (Rajwara), Police Station - Saharsa Sadar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Saharsa Sadar P.S. Case No.737 of 2025, F.I.R dated 30.06.2025 registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, S.I. Varun Kumar Sharma received secret information that the four FIR-named accused, including the petitioner, were manufacturing illicit liquor on the bank of the Tilawe River at Simraha Rajwara. When the police team reached the spot, the accused fled. A subsequent search of the location, conducted in the presence of two constables, led to the recovery of 80 liters of country-made



liquor and related utensils.

4. Learned counsel for the petitioner submits that the recovery is made from the bank of Tilawe river, which is an open space and accessible to all. It is next submitted that the petitioner has clean antecedent and the name of the petitioner has transpired on the basis of secret information by a local chowkidaar and on suspicion of police personnel, which can be referred from the contents of the F.I.R. The petitioner was neither present at the alleged place of occurrence nor has anything to do with the seized articles in question.

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 constructive possession and / or premises belonging to the petitioner and the petitioner has clean antecedent and the recovery of illicit liquor is said to have been made from the bank of Tilawe river, which is an open space and accessible to all, 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 Special Judge (Excise-II), Saharsa, in connection with Saharsa Sadar P.S. Case No.737 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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