

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84646 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- Amhara P.S. (I.I.T.A. Bihta) District-
Patna

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Rishi Kumar @ Rishi Yadav @ Rishi Kumar Yadav, Son of Late Gorakh
Yadav, Resident of Village - Mathurapur, P.S. - IIT Amhara, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Adv.
For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 18-12-2025 1. Heard Mr. Satish Chandra, learned counsel for the
petitioner and Mrs. Meena Singh learned APP for the State.
2. The petitioner apprehends his arrest in connection
with IIT Amhara P. S. Case No. 148 of 2025 dated 08.08.2025
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the alleged liquor is said to
have been recovered from the straw store portion of the
petitioner's house but it is an admitted position that at the time
of alleged recovery neither the petitioner nor his any family
member was present and in this regard, seizure memo may be
perused and further the alleged recovery of the liquor is said to



have been made before the police personnel only and no independent person was made witness to the search and seizure and moreover the mandatory provisions of the BNSS were also not complied with. It is lastly submitted that the petitioner bears no criminal antecedent and his past is completely clean and as per the prosecution, one Arbind Kumar who was apprehended by the police in connection with an offence under Excise Act, disclosed the location of the alleged liquor and merely on that basis the recovery of the alleged liquor is said to have been made from the said place but in support of this disclosure made by the said Arbind Kumar, except his statement there is nothing so, in the light of these circumstances the alleged offence of the Excise Act under which the FIR has been registered does not attract even prima facie against the petitioner and his prayer is not hit by the provisions of Section 76(2) of the Bihar Prohibition and Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. In the facts and circumstances of this case and considering the above submissions and mainly petitioner's fair and clean antecedent as well as the fact that at the time of recovery of the alleged liquor from straw store of the petitioner's



house, no family member including the petitioner was present and the alleged recovery was not made before an independent person, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with IIT Amhara P. S. Case No. 148 of 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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