

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84283 of 2025

Arising Out of PS. Case No.-103 Year-2020 Thana- MATIHANI District- Begusarai

1. Hirodh Yadav @ Neeraj Kumar Yadav S/O Viliyati Yadav @ Vilayti Yadav R/O Village- Saidpur, P.S.- Matihani, District- Begusarai
2. Ritesh Kumar @ Rinkesh Kumar Yadav @ Rikesh Kumar S/O Viliyati Yadav @ Vilayti Yadav R/O Village- Saidpur, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehended his arrest in connection with Matihani P.S. Case No. 103 of 2020, F.I.R dated 19.08.2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the informant, Parmanand Saha, Assistant Sub-Inspector of Nagar Police Station, while on night patrolling duty on 18.08.2020 at about 10:30 P.M. along with police force, allegedly received secret information at around 12:45 A.M. that illegal liquor was stored



in a cattle field belonging to the late Raj Babu Chaudhary at village Sevpur. Acting on the said information, the police party reached the spot where three persons were allegedly seen fleeing away in the darkness and could not be apprehended. Upon search of the place of occurrence, 74.610 litres of illegal foreign liquor was allegedly recovered and seized, and a seizure list was prepared in accordance with law.

4. Learned counsel for the petitioners submits that the recovery has been made from cattle field which is from an open place and belongs to one Chabila Chaudhary S/o Late Raj Babu Chaudhary, and the said person is no way connected with these petitioners. It has next been submitted that the petitioners are a man of means and has no concern with the seized liquor and there has not been any adherence to the provisions of Section 103 of BNSS, while making search and seizure of the articles in question. Petitioners are ready to abide by the conditions of anticipatory bail. At this stage, counsel for the petitioners fairly submits that petitioner has one criminal antecedent each.

5. Learned APP for the State vehemently 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 petitioners and considering the fact seizure has been made from an open space which is no way connected with these petitioners and there has been violation of provisions of BNSS Act while making search and seizure, the place in question, accordingly, this Court is inclined to grant anticipatory bail to these petitioners.

7. Let the petitioners, 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 Excise Judge – I, Begusarai in connection with Matihani P.S. Case No. 103 of 2020 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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