

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84302 of 2025

Arising Out of PS. Case No.-649 Year-2025 Thana- AURANGABAD TOWN District-
Aurangabad

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Vivek Kumar @ Vivek Yadav S/O Umesh Yadav R/O Vill.- Gandhi Nagar,
P.S.- Aurangabad Town, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mukul Kumari
For the Opposite Party/s : Mrs. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the parties.

2. The petitioner is apprehending his arrest in connection with Aurangabad Town P.S. Case No.649 of 2025 dated 17.10.2025, registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the FIR, 23.25 liters of foreign liquor was recovered from the cowshed of co-accused Umesh Yadav, who was apprehended on the spot and disclosed the names of the petitioner and one Ranjit Yadav.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely implicated in the instant case only on the basis of the statement made by the



apprehended co-accused. There is no recovery from the constructive possession of the petitioner. He has no concern either with the seized liquor or the co-accused person or even the place from where the recovery has been made. Lastly, it is submitted that the petitioner has six criminal antecedents akin to the instant case and he is on bail in those cases.

5. Without accepting the guilt, learned counsel for the petitioner proposes to deposit Rs.10,000/- (Rupees Ten Thousand) in the welfare account of the Advocate Association of the Patna High Court.

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, 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-I, Aurangabad, in connection with Aurangabad Town P.S. Case No.649 of 2025, subject to the



condition as laid down under Section 482(2) of the BNSS, 2023
and on production of the receipt showing deposit of Rs.10,000/-
as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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