

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84212 of 2025

Arising Out of PS. Case No.-430 Year-2025 Thana- BALIYA District- Begusarai

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Bittu Yadav @ Bittu Kumar S/o- Dinesh Yadav @ Dina Yadav Village-
Pokhariya Ward No- 17 PS- Ballia District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Ballia (Baliya) P.S. Case No. 430 of 2025, F.I.R dated 10.10.2025 registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the self-statement of the informant, *Vikash Kumar Rai*, SHO, Ballia Police Station, Begusarai, recorded on 10.10.2025. It is alleged that while the informant along with other police personnel was on patrolling duty, he received secret information that one *Mohan Yadav*, along with his associates, was allegedly involved in the preparation and manufacture of illegal country-made liquor near



a government nala in village Pokharia. Acting upon the said information, the police party conducted a raid at *Barka Kitta Bahiyar*, where several persons allegedly fled away on seeing the police party. It is further alleged that one accused, namely *Lalit Kumar Yadav*, was apprehended at the spot and, during interrogation, he allegedly disclosed the names of *Mohan Yadav, Puja Devi, Shashi Yadav, Bittu Yadav, and Rajiv Yadav* as persons involved in the alleged liquor business, who are stated to have escaped from the place of occurrence. It is alleged that on the basis of the said disclosure, the police recovered and seized alleged contraband liquor, raw materials, utensils, a gas cylinder, and motorcycles from the place of occurrence and nearby areas. The petitioner has not been apprehended from the spot and is alleged to be involved solely on the basis of the disclosure statement of the co-accused and secret information. The entire allegation against the petitioner is thus based on alleged disclosure statements and circumstantial recovery, and no recovery has been effected from the conscious possession of the petitioner, nor has the petitioner been named in any independent or contemporaneous seizure.

4. Learned counsel for the petitioner submits that the recovery is made from an open agricultural field of *Mahesh*



Yadav, it is a village Pokhariya and also from the motorcycle passion pro Hero Company bearing Registration No. BR09V-8498 and pulsar motorcycle bearing Registration No. BR09AS1104. It has next been submitted that neither the field nor the seized motorcycles being black colour passion pro Hero Company made and pulsar black colour, belongs to this petitioner. It has been fairly submitted that the petitioner has two criminal cases, out of which, in one of the criminal case this petitioner is released on bail.

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 considering the fact that recovery has been made from the place which is no way connected with this 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 Exclusive Special Excise Judge-II, Begusarai in connection with Ballia (Baliya) P.S. Case No. 430 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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