

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84208 of 2025

Arising Out of PS. Case No.-274 Year-2025 Thana- Excise P.S. District- Madhubani

Lalit Yadav Son of Manejar Yadav R/o Village - Parkauli, P.S. - Arer, District
- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
Mr.Vinod Kumar

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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 Excise P.S. Case No. 274 of 2025, F.I.R dated 19.08.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, it is alleged, inter alia, that on 19.08.2025, the informant received secret information that a four-wheeler bearing Registration No. BR-07-AL-3551 was stationed near Saptraeem Chowk (near Central Public School) and was being used for transporting illicit liquor to



another place. Upon receipt of the said information, the informant along with other police officials reached the spot and found a WagonR vehicle standing there with its doors and glasses locked. Despite efforts, neither the driver nor the owner of the vehicle could be traced. Thereafter, in the presence of two seizure list witnesses, the lock of the vehicle was broken and a search was conducted, during which 34.710 litres of illicit liquor, including Royal Stag Superior Whisky and Officer's Choice, were recovered from the said vehicle. The recovered liquor and the four-wheeler were seized on the spot, and a seizure list was duly prepared in the presence of the witnesses.

4. Learned counsel for the petitioner submits that the seized articles is stated to have been recovered from Wagon R vehicle bearing Registration No. BR07AL3551 of which the petitioner is said to be the owner. It is the case of the petitioner that vehicle was parked at *Neem Chowk* near Central Public School on the road side and the petitioner had gone for some work, and when he returned it was found that the vehicle Wagon R car has been broken in the instant case for an allegation that there has been recovery of 34.710 litres royal stag superior whisky officer's choice. While the fact is that there is no independent witness to the said seizure of illicit liquor, which is



said to have been made from the vehicle in question, of which the petitioner is said to be the owner. Counsel for the petitioner fairly submits that he has two criminal antecedents but those cases pending against this petitioner are not akin in the instant case.

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 there is no independent witness to the seizure were made and the antecedent shown is not akin to 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 Court, Madhubani in connection with Excise P.S. Case No. 274 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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