

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84327 of 2025

Arising Out of PS. Case No.-375 Year-2025 Thana- KESARIA District- East Champaran

1. Bageshwar Kumar Yadav @ Rohit Yadav S/o- Kanhai Rai R/v- Kadhan W.No-10, Ps- Kesariya Dist- East Champaran
2. Mantu Kumar S/o- Krishna Rai R/v- Kadhan W.No-10, Ps- Kesariya Dist- East Champaran
3. Prabhu Rai S/o- Raghunath Rai R/v- Kadhan W.No-10, Ps- Kesariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No.375 of 2025, dated 12.08.2025, registered for the offences under Sections 274, 275 of the Bhartiya Nyaya Sanhita and 30(a) .

3. As per the FIR, on the basis of secret information, the police reached near the Kanhi River, where, upon seeing the police, five persons fled from the spot. During the search, the police recovered 120 litres of country-made liquor from the spot.



4. Learned counsel for the petitioners submits that the petitioners are quite innocent and have been falsely implicated in the instant case only on the basis of disclosure made by the local people. It is further submitted that the alleged recovery has been made from an open place which is accessible to general public. The petitioners are in no way connected with the seized liquor. Lastly, it is submitted that the petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for grant of anticipatory bail.

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 conscious possession and the recovery has been made from an open place, accordingly, this Court is inclined to grant anticipatory bail to the 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, Motihari, East Champaran in connection with Kesariya P.S. Case No.375 of



2025, subject to the condition as laid down under Section 482(2)
of the BNSS, 2023.

(Ajit Kumar, J)

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