

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85960 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

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Badal Yadav @ Badal Kumar S/o- Sikendra Yadav @ Sikandar Yadav R/o
Village- Suthaniya Mokama Ward No 03 P.S-Basnahi District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Udakishungaj Police Station Case No. 189 of 2024, disclosing offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that on 23.09.2024 at about 11:30 a.m, the informant got secret information that petitioner was transporting illicit liquor on a Bajaj Pulsar motorcycle bearing Registration No. BR43Z9289 from Basnahi to Saharsa. Upon such information, police party proceeded to the place of occurrence. On seeing the police police party, petitioner fled away but co-accused, namely,



Santosh Kumar Nirala was apprehended. On search, total 150 litres of country-made liquor was recovered from the said motorcycle. Co-accused Santosh Kumar Nirala disclosed the fled person as Badal Yadav (petitioner).

4. Learned Counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has come on the discloser made by arrested co-accused, namely, Santosh Kumar Nirala. Recovery has made from the motorcycle which does not belong to the petitioner. Liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioner. Petitioner is having no criminal antecedent.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and the liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge VII cum Special Judge Excise-II, Madhepura, in connection with Udakishungaj Police Station Case No. 189 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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