

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87591 of 2025

Arising Out of PS. Case No.-405 Year-2025 Thana- RAHUI District- Nalanda

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Sunil Yadav @ Sunil Kumar S/O Brijnandan Yadav @ Brijnandan Prasad R/O
Village- Makhdumpur(Makdumpur), P.S- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rahui P.S. Case No. 405 of 2025, F.I.R dated 13.07.2025 registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, as per the FIR, is that on 13.07.2025 at about 10:05 A.M., the informant Ravinder Kumar, PTC, Rahui Police Station, along with other constables, proceeded for a raid against illegal liquor. At about 01:00 P.M., upon reaching Mandilpur Mod, he allegedly received secret information that one Dharmendar Paswan @ Dhobi Paswan was



selling illegal country-made liquor in a hut near his house at village Husainpur. Acting upon the said information, the police party reached the spot at about 02:15 P.M., where one person allegedly fled away on seeing the police. Upon raid, 5 litres of country-made liquor were allegedly recovered, and on enquiry, local villagers and the chaukidar disclosed the name of the fleeing person as Dharmendar Paswan @ Dhobi Paswan. It is further alleged that during the said raid, the police received secret information that the present petitioner, Sunil Yadav, was manufacturing and selling country-made liquor in an orchard of palm trees situated about 100 meters away from a bridge in village Husainpur. Acting on the said information, the police reached the spot at about 02:45 P.M., where one person allegedly fled away on seeing the police party. Thereafter, a raid was conducted in the presence of witnesses, and 70 litres of country-made liquor along with utensils were allegedly recovered. Local persons and the mahal chaukidar disclosed the name of the fleeing person as Sunil Yadav. In total, 85 litres of country-made liquor and utensils were allegedly seized, for which seizure lists were prepared.

4. Learned counsel for the petitioner submits that on secret information received by the police, recovery to the tune



of 85 litres of country made wine is said to have been made, the liquor in question is said to have recovered from orchard of palm tree and as also from the bridge situated in Hussainpur, which is an open place and accessible to general public. It has fairly been submitted the he has two antecedents but not akin to 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 aforesaid fact this petitioner has clean antecedent and no way connected with the seized articles, 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 2nd, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 405 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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