

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2971 of 2026

Arising Out of PS. Case No.-128 Year-2025 Thana- Excise Benipatti District- Madhubani

Krishna Deo Kumar Yadav Son of Ramchandra Yadav R/O Village -
Salempur, P.S.- Bisfi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Alias Ashok Karn, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 09-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Benipatti Excise P.S. Case No. 128 of 2025 instituted for the offence under Section 30(a) of Bihar Excise (Prohibition) Amendment Act.

3. The case of the prosecution, in short, is that from a bike altogether 135 liter of Nepali country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is quite innocent and has not committed any offence. Learned counsel has further submitted that nothing has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner has further submitted that the petitioner has been framed in this case as he is the owner of the bike. Learned counsel has further submitted that one Laxmi Yadav has taken away the bike of the informant on account of some urgent work. Learned counsel for the petitioner has further submitted that the petitioner was unaware of the alleged recovery. It has further been submitted that the petitioner is having criminal antecedent of one case and in that case he has been acquitted.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner. The petitioner is having criminal antecedent of one case.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Benipatti Excise P.S. Case no. 128 of 2025, he will be enlarged on bail 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 Judge, Excise, Madhubani, subject to the conditions as laid



down under Section 482(2) of the BNSS.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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