

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8847 of 2026

Arising Out of PS. Case No.-92 Year-2025 Thana- JOGAPATTI District- West Champaran

Sudhir Kumar @ Sudhir Pratap Yadav S/o- Yogendra Yadav R/v- Ward No. 6
Harpur Tola Hariharpur P.S- Nadi District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Yogapatti P.S. Case No. 92 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 86.400 litre foreign liquor was recovered from the motorcycle in question. Local chaukidar disclosed the name of petitioner and co-accused Vijay Kumar Kushwaha who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel orally submits that petitioner is the not the



owner of the said motorcycle in question. Petitioner was not found at the place of occurrence. Petitioner has nothing to do with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent. He further submits that on similar and identical allegation, co-accused Vijay Kumar Kushwaha has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 17959 of 2025 and hence, petitioner also deserves anticipatory bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is FIR named accused and hence, he cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record,



the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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-II, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 92 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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