

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8842 of 2026

Arising Out of PS. Case No.-221 Year-2025 Thana- PHULWARIYA District- Gopalganj

Pramod Kumar Yadav @ Pramod Yadav S/O Nanhu Yadav R/o Village -
Misrauli, Tola Mushtoli, P.S. -Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, 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 Phulwariya P.S. Case No. 221 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 72 litre illicit country made liquor was recovered from motorcycle in question. Apprehended co-accused Golden Kumar disclosed the name of the petitioner 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. Petitioner is not the owner of the said motorcycle in question. Except disclosure of the apprehended co-accused,



there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner was not found at the place of occurrence. 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 criminal antecedent of five cases. He further submits that just because of the having criminal antecedent, petitioner has falsely been implicated in the present case. He further submits that petitioner has been roped in one case after another in a routine manner without any basis.

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 person and hence, petitioner 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, 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 District and Additional Sessions Judge – XIII cum Special Excise Court No. 1, Gopalganj in connection with Phulwariya P.S. Case No. 221 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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