

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20464 of 2026

Arising Out of PS. Case No.-414 Year-2025 Thana- PHULPARAS District- Madhubani

Manoj Kumar Yadav @ Manoj Yadav, son of Lakshmi Yadav @ Lakshmi Narayan Yadav, Resident of Village- Inarwa, Ward No.05, P.S.- Phulparas, Distt -Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ratnakar Jha, Advocate
For the State	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Phulparas PS. Case No.414 of 2025, dated-30.09.2025, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, police got secret information that the Petitioner and other co-accused have hidden some illicit liquor at a place and subsequently, the police raided the place and recovered 342 liters of illicit liquor from a bush. However, before the police reached the place of recovery, one person was seen to be fleeing away and as per the local chaukidar, the person who fled away was the Petitioner.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated not only in this case, but also in five other cases under the Excise Act, previously, in which he is already on bail. He further submits that the recovery of illicit liquor has been made from an open space which is accessible to the public at large. Moreover, nobody was apprehended by the police and the case of the prosecution is based only on suspicion. He further submits that police have

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in five other cases in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Seeing the recovery of illicit liquor from an open space and lack of availability of any legally clinching material against the Petitioner, no prima facie case under the Excise Act is made out and hence, the bail petition of the Petitioner is maintainable.

9. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Phulparas PS. Case No.414 of 2025 , subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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