

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23883 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

-
1. Subodh Kumar @ Subodh Kumar Yadav, S/o Nityanand Yadav, R/o Village - Laxmipur, Ward No. 21, Post - Murli Chandwa, Laxhmipur, P.S - Udakishunganj, District - Madhepura
 2. Shivkumar Yadav, S/o Late Jagrup Yadav @ Late Jagrup Prasad Yadav R/o Village - Rampur Khora, Ward No. 7, P.S - Udakishunganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-04-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Udakishunganj Excise P.S. Case No. 15 of 2026 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police received information about the petitioners keeping illicit cough syrup in the grocery shop and selling the same through his nephew/petitioner no.1 herein. A raid was conducted and 1 liter of illicit codeine containing cough syrup was recovered from the



grocery shop of the petitioner no.2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The recovery of 1 liter codeine containing cough syrup was shown from the grocery shop of the petitioner no.2, but the said recovery was made in his absence and the petitioners have no concern with the said recovery. Nothing incriminating has been recovered from the person/possession of the petitioners. The petitioner no.1 is having clean antecedent, whereas the petitioner no. 2 is having antecedent of one case and he is on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. The learned APP submits that the petitioner no. 2 is a habitual offender.

6. Since recovery has been shown from the grocery shop of the petitioner no.2 and he is also having antecedent of similar nature, I do not think it is a fit case for grant of anticipatory bail to the petitioner no.2.

7. Accordingly, his prayer for grant of anticipatory bail is rejected.

8. However, considering the absence of cogent material against the petitioner no.1 and further considering the



possibility of false implication and also considering the clean antecedent of the petitioner no.1, let the petitioner no.1 above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura, in connection with Udakishunganj Excise P.S. Case No. 15 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

