

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25904 of 2026

Arising Out of PS. Case No.-26 Year-2026 Thana- NAYA RAM NAGAR District- Munger

1. Amit Yadav @ Amit Kumar S/o Ghantu Yadav R/o Village - Paniyala Chak,
P.S - Naya Ramnagar, District -Munger
2. Sibi Yadav @ Santosh Kumar S/o Mano Yadav R/o Village - Paniyala Chak,
P.S - Naya Ramnagar, District -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioners apprehend their arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. A perusal of the first information report and the seizure list would go to show that 40 liters of country made liquor has been recovered from two jars, which was allegedly thrown away by the petitioners.

4. Learned counsel for the petitioners submits that the name of the petitioners has transpired in this case on the disclosure made by the local chaukidar due to animosity. The



petitioners have no concern either with the seized liquor or any trade of liquor. It is a matter of fact that the said recovery was made from an open place, which is easily accessible to anyone, hence no liability can be fastened on these petitioners. There is no independent witness to the search and seizure violating the mandatory provisions of search and seizure.

5. Learned APP for the State opposes the prayer of anticipatory bail and submits that the petitioners have one criminal antecedent of the same nature to which learned counsel for the petitioners responds that the petitioners have already been granted bail in the said cases.

6. Taking into consideration the facts and circumstances and also the fact that no recovery has been made from the conscious possession of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Naya Ramnagar P.S. Case No.26 of 2026, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and



subject to the further condition that:-

(i) The petitioners shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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