

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31637 of 2026

Arising Out of PS. Case No.-143 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

Rajesh Yadav S/o Pritam Yadav R/o Village - Udarampur, P.S. - Chainpur,
Dist. - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhabhua P.S. Case No. 143 of 2026, F.I.R dated 20.03.2026 registered for the offences punishable under Sections 30(a), 32(i)& (iii) and 41(i)&(ii) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, on 20.03.2026, the present case was instituted on the basis of a written report submitted by Anuj Kumar, Assistant Sub-Inspector of the Excise Police Station, Kaimur at Bhabhua. It is alleged that upon receiving secret information regarding three motorcycle riders transporting illicit liquor via Padhi More, the informant along with a raiding team proceeded to the spot. At about 5:30 P.M.,



three motorcycles were seen approaching, whose riders allegedly fled away after noticing the police team, leaving behind the motorcycles. Thereafter, in the presence of two independent witnesses, search and seizure were conducted, leading to recovery of 9 litres, 27 litres, and 27 litres of country-made liquor respectively from the three motorcycles, totaling 63 litres of illicit liquor. The liquor was allegedly concealed in bags tied to the pillion seats of the motorcycles.

4. Learned counsel for the petitioner submits that the place of recovery is from an open space, which is accessible to all. It has further submitted that though the petitioner is the owner of the motorcycle, which was parked on the road side, while nothing is indicated as to from which portion of the motorcycle, the illicit liquor was recovered, the petitioner was neither present at the place of occurrence nor has any incriminating article recovered from the constructive possession of the petitioner. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or



premises belonging to the petitioner and the petitioner has no criminal antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-II, in connection with Bhabhua P.S. Case No. 143 of 2026 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

sharun/-

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

