

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29493 of 2026

Arising Out of PS. Case No.-69 Year-2025 Thana- KIUL District- Lakhisarai

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Gautam Yadav @ Gautam Kumar S/o Late Kharo Yadav R/o Vill. - Lakho Chak, P.S. - Kiul, Dist. - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Sanju Singh, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-05-2026 Heard Ms. Sanju Singh, learned counsel appearing on behalf of the petitioner and Mr. Pradeep Narain Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kiul P.S. Case No. 69 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, on secret information, the police conducted a raid near the house of one Sale Yadav, where two persons fled away on seeing the police, leaving behind a bag and sack from which a total of about 17 litres of country-made liquor was recovered and seized, and the same was allegedly linked to the co-accused persons including the petitioner.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in the case. He has no concern either with the seized liquor or trade of liquor in any manner. The alleged recovery of 17 litres of country-made Mahua liquor was made from the roadside and not from the conscious possession of the petitioner. The implication of the petitioner is based merely on suspicion and on alleged disclosure by unnamed local persons. No incriminating article has been recovered from the conscious possession of the petitioner. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions and on perusal of the record, it appears that the alleged recovery of 17 litres of country-made Mahua liquor has been made from the roadside and not from the conscious possession of the petitioner. The implication of the petitioner is based on alleged disclosure of unnamed local persons. No incriminating article has been recovered from the petitioner. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court 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 District Court where the case is pending /successor court in connection with Kiul P.S. Case No. 69 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C./482 of the BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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