

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31479 of 2026

Arising Out of PS. Case No.-60 Year-2026 Thana- MADHWAPUR District- Madhubani

Virendra Yadav @ Birendra Yadav @ Biru @ Virendra Kumar Yadav S/O
Ramsaran Yadav R/O Vill.- Aura, Ward no. 6, P.S.- Madhwapur, Dist.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Madhwapur P.S. Case No. 60 of 2026 registered for the offences punishable under Sections 274, 275, 3(5) of the B.N.S. 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 1305 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner transpired in this case only on the basis of secret information. It is submitted that the recovery of country-made liquor has been made from an open place which



is accessible by general public, and therefore, it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner. While explaining criminal antecedent, it is submitted that the petitioner has involved in one more case of similar nature in which he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Madhubani /concerned court in connection with Madhwapur P.S. Case No. 60 of 2026 arising Out of G.R. No. 483 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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