

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35028 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- Bhopatpur District- East Champaran

Binod Yadav @ Ramashankar Yadav S/O Satyanarayan Yadav R/O Village-
Nayka Tola, P.S- Bhopatpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Kalyan Shankar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bhopatpur P.S. Case No. 23 of 2026, F.I.R
dated 10.02.2026 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 139.980 liters of illicit foreign
liquor.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in the
present case on the basis of secret information. He further
submits that the allegation as alleged in the F.I.R is false and
fabricated. He further submits that it appears from the F.I.R that



altogether 139.980 liters of foreign liquor have been recovered from the garden situated behind the Vishwakarma temple and petitioner was not apprehended from the place of occurrence. As per the F.I.R. the petitioner escaped from the place of occurrence and co-accused namely, Raja Kumar, has disclosed the name of the petitioner and except the disclosure, nothing has come during investigation which suggest the involvement of the petitioner in the present occurrence. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. The petitioner carries three criminal antecedents other than the present one where two cases are other than excise matter and one case pertains to excise matter but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar**



reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court-1, Motihari, East Champaran in connection with Bhopatpur P.S. Case No. 23 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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