

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35094 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- MORO District- Darbhanga

1. Bipin Yadav @ Vipin Kumar Yadav S/O Khushilal Yadav Resident of Village- Araila, Ward No.6, P.S.- Moro, Dist- Darbhanga.
2. Bittu Yadav S/O Bipin Yadav @ Vipin Kumar Yadav Resident of Village- Araila, Ward No.6, P.S.- Moro, Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-05-2026 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

2. The petitioners are apprehending their arrest in connection with Moro P.S. Case No. 24 of 2026 for the offence punishable under sections 30(a) of the Bihar Excise and Prohibition Act, lodged on 03.03.2026 by the informant.

3. As per the prosecution case, there has been recovery of 5.04 litres of illicit liquor, allegedly, from the adjacent place of the house of the petitioners. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the recovery is said to have been made from a place adjacent to the house of the petitioners and nothing has been recovered from the constructive possession of the petitioners. The petitioners



have falsely been implicated in this case on the basis of disclosure made by the local *Chowkidar* who is said to be on inimical terms with the petitioners. Learned counsel further submits that the petitioner no.1 is the father of petitioner no.2 and it seems entirely improbable for a father to get his son indulged in such illegal activities. There has also been a gross violation of Section 105 of the BNSS while making seizure. It has fairly been submitted that both the petitioners have got one criminal antecedent each and they are on bail on those cases.

5. Learned APP opposes the prayer submitting that both the petitioners have got antecedents.

6. Considering the fact that the recovery has not been made from the constructive possession of these petitioners and the place from where the seizure is said to have been made does not belong to these petitioners rather it is said to have been adjacent to the boundary of their house, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special



Judge-II, (Excise Act) Darbhanga in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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