

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39152 of 2026

Arising Out of PS. Case No.-106 Year-2026 Thana- Excise P.S. District- Madhubani

Raushan Kumar Yadav S/O Suresh Yadav R/o Village-Bela, Ward no. 04, PS-
Jaynagar, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Archana Aanand, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard Ms. Archana Aanand, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sadar Excise P.S. Case No. 106 of 2026, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The police in course of patrolling, suspecting the
involvement of two persons, who were coming on a motorcycle
apprehended them. On search, total 5.940 litres of illicit wine
was recovered from their possession.

4. Learned Advocate for the petitioner submitted that
from the FIR, it is evident that two persons were riding on a



motorcycle from where recovery has been made. However, only on account of the fact that the petitioner being the owner of the motorcycle in question, his name has been implicated in this case. In fact, on the alleged date of occurrence, co-accused Deepak Kumar Yadav had taken away the motorcycle on the pretext of bringing some household articles and the petitioner was not knowing the fact that his motorcycle has ever been used for any illicit purpose. There is no material collected during investigation which suggests the complicity of the petitioner in the crime. However, only on account of one past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the use of motorcycle in question in the crime clearly suggests the complicity of the petitioner, who happens to be the owner of the same. There is further bar to maintain anticipatory bail in terms with Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act; is the contention of the learned Additional Public Prosecutor.

6. Having considered the submissions advanced on behalf of the learned Advocates for the respective parties and



taking note of the fact that on the alleged date and time of occurrence, the presence of the petitioner was not found near the place of occurrence, besides during course of investigation, nothing has come which suggests that the petitioner was also involved in the crime and as such, *prima facie*, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act would not attract, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise Court), Madhubani in connection with Sadar Excise P.S. Case No. 106 of 2026 arising out of G.O. Case No. 653 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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