

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42023 of 2026

Arising Out of PS. Case No.-400 Year-2025 Thana- KOTWA District- East Champaran

Birapan Yadav Son of Indrajit Yadav Resident of Village- Koergawan, P.S.-
Kotwa, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr .Abhishek Kumar, Advocate

For the Opposite Party : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Kotwa P.S. Case No.400 of 2025 registered under Sections 30(a), 32 and 41(1) of Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 65 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the name of petitioner arrayed solely on the disclosure made by the local *chowkidar* and local



people. It is submitted that recovery of alleged illicit liquor was made from Kajhiya Purbari Tola near Baudhi Mai Sthan ,which is an open place accessible by general public. It is also submitted that petitioner was not present at the spot. It is further submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further argued that the seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. Explaining criminal antecedent, it is submitted that the petitioner found involved in two more criminal cases of similar nature, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, East Champaran at Motihari, in connection with Kotwa P.S. Case No.400 of 2025 , subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Aniket/-

U		T	
---	--	---	--

