

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48807 of 2026

Arising Out of PS. Case No.-420 Year-2025 Thana- BAISI District- Purnia

SUBHASH KUMAR @ SUBHASH YADAV, Son of Uttam Lal Yadav,
Resident of Village - Chand Tola, Ward No. 02, P.S.- Bayasi, Distt.- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-07-2026 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 Bayasi P.S. Case No.420 of 2025 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act,2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 7.440 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered from a Motorcycle. It is further submitted that the petitioner is



neither the owner of the seized vehicle nor was he apprehended on the spot, and not on the basis of any material demonstrating his conscious possession, involvement or complicity in the alleged offence. It is further submitted that the name of the petitioner surfaced solely on the disclosure statement made by co-accused, namely, Shivam Kumar Yadav, who was apprehended on the spot. It is also pointed out that seizure list appears doubtful being not supported by independent witnesses rather than by police personnel. The petitioner has two criminal antecedent, in which, 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 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 Exclusive Special Judge Excise-I, Purnia in connection with Bayasi P.S. Case No.420 of 2025 , subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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