

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48203 of 2026

Arising Out of PS. Case No.-117 Year-2026 Thana- KEWATI District- Darbhanga

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Bipin Kumar @ Bipin Kumar Yadav Son of Late Dukhi Yadav @ Late Dukha
yadav Resident of Village -Magha (Megha) Police Station -Keoti District
-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Keoti P.S. Case No. 117 of 2026, F.I.R dated 21.04.2026 registered for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, on 21.04.2026, acting on secret information that Bipin Kumar Yadav, Ramesh Kumar, and 3-4 unknown associates were storing and selling illicit liquor, a police raid was conducted near a Baghar at Chatra village. Upon seeing the police, several persons fled from the spot, leaving behind a Bajaj Maxima (Reg. No. BR-06GG-



4678) and a scooty bearing engine No. KG5AT3844700. On search of the vehicles and the nearby field, a total of 459 liters of illicit liquor was recovered and seized, thereafter the seizure list was prepared and the case was instituted.

4. Learned counsel for the petitioner submits that from the seizure list which is appended with the F.I.R. shows that there are three places of recovery, one is from the Bajaj Maxima (Reg. No. BR-06GG-4678), second from a scooty (Engine No. KG5AT3844700), while the third place is an open field. It is submitted that neither the Bajaj Maxima nor the scooty belongs to this petitioner. While the recovery which is made from the open field, which is accessible to general public, also does not belong to this petitioner and merely on the basis of his past antecedents, the petitioner has been implicated in this case. The petitioner has four antecedents, while two cases are akin to the instant case, in which he is on bail. It has next been submitted that the owner of the Bajaj Maxima has already been extended the privilege of anticipatory bail and with similar allegations, one co-accused, namely Ramesh Kumar has also been granted the privilege of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of the petitioner.



6. Considering the fact that the recovery is made from three places, Bajaj Maxima, Scooty and an open filed which are neither connected with this petitioner and that the recovery was not made from the constructive possession of this petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her 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 Exclusive Special Excise Court-I, Darbhanga in connection with aforementioned P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/their 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 their bail bonds.

(Ajit Kumar, J)

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