

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48409 of 2026

Arising Out of PS. Case No.-203 Year-2026 Thana- Excise P.S. District- Siwan

Vivek Kumar Yadav @ Vivek Yadav S/o Jairam Yadav @ Jayram Chaudhary
R/o Village - Tilmapur, P.S - Nautan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Siwan Sadar Excise P.S. Case No. 203 of 2026, registered for the offences punishable under Sections 30(a), 47 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. On receipt of secret information that two persons travelling in a Scorpio vehicle carrying illicit liquor, the police intercepted the vehicle. However, the driver dashed the vehicle in a tree, whereupon both the driver and the another person succeeded in fleeing away. During the search of the vehicle, a total of 823.500 litres of country-made liquor and beer was recovered. On suspicion, the name of the petitioner has surfaced.



4. Learned Advocate for the petitioner submitted that the petitioner has nothing to do with the vehicle in question from where entire recovery has been made. Save and except the suspicion, there is no material suggesting the complicity of the petitioner in the crime. The petitioner bears fair antecedent and since no recovery has been made from the whereabouts or the constructive possession of the petitioner, as such, the rigors provided under Section 76(2) of the Excise Act would not be attracted.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that save and except the suspicion, there is no material suggesting the complicity of the petitioner in the crime, besides his fair antecedent and the absence of any material attracting the rigors to maintain the anticipatory bail, 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



Excise Court No. 2, Siwan in connection with Siwan Sadar
Excise P.S. Case No. 203 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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