IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77575 of 2026

CNR No. BRHC011024002026

Arising Out of PS. Case No.-970 Year-2025 Thana- Excise P.S. District- Muzaffarpur

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Madan Yadav S/o Algu Yadav Resident of Village - Patharwa, P.S. - Tarya Sujan, Dist. - Kushinagar(Uttar Pradesh).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amish Kumar No I, Adv.
For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Muzaffarpur Excise P.S. Case No. 970 of 2025 lodged on 03.08.2025, for the offence punishable under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, FIR has been lodged against the owner of a truck. Total 1227.60 litres of foreign liquor has been recovered from a truck, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits

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that nothing has been recovered from the conscious possession of the petitioner and the alleged recovery has been made from a truck. Counsel further submits that the said truck has already been sold and transferred by the petitioner to other person by way of a duly executed agreement which is annexed here as Annexure-3. But, the alleged purchaser started dong the illegal business about which the petitioner was completely unaware. Counsel further submits that the petitioner has clean antecedent with regard to Excise Act, but there is one case pending against him which is registered under the SC/ST Act and petitioner is on bail in that case and in this regard he has filed a supplementary affidavit.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that from Annexure-3 which is an agreement for sale, it transpires that the vehicle in question has been handed over to the alleged proposed purchaser who undertakes that he shall be responsible if any alleged wrong is done.

6. As such, in the present facts and circumstances of the case considering this aspect that petitioner has clean antecedent with regard to the Excise Act, let the above-named petitioner be released on bail, in the event of arrest or surrender

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before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Judge, Excise-II, Muzaffarpur, in connection with Muzaffarpur Excise P.S. Case No. 970 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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