IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74676 of 2026

CNR No. BRHC011067322026

Arising Out of PS. Case No.-405 Year-2026 Thana- BENIPATTI District- Madhubani

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Chunchun Yadav Son of Ramu Yadav @ Jagdev Yadav Resident of Village- Sauli, P.S.- Benipatti, District- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Madhumala Kumari, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Benipatti P.S. Case No. 405 of 2026, registered for the offences punishable under Sections 274, 275 of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Acting on a tip-off regarding the transportation of illicit wine in a pickup van, when the police tried to intercept the same, the accused persons, who were sitting in the vehicle, succeeded in fleeing away. In the course of the search, a total of 1,800 liters of illicit Nepali liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the pickup van nor

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with the illicit wine. Only on account of the past criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application, the name of the petitioner has been implicated in this case, however, without any cogent and incriminating circumstances. Even during the course of investigation, no material has been collected, which suggests the complicity of the petitioner in the crime. The witnesses to the search and seizure are none-else, but the police personnel and even while carrying out the search, video recording has not been conducted, and as such, it is argued that there is complete violation of Section 103(4) and 105 of the BNSS. In the aforesaid premise, learned Advocate for the petitioner thus submitted that there is no applicability of Section 76(2) of the Bihar Prohibition and Excise Act.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the petitioner is carrying three criminal antecedents, as has been disclosed in paragraph no. 3 of the petition.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the discrepancies in causing the search and seizure; besides the fact that the petitioner has no concern with the pickup van, in

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question, as also the lack of materials which attract the rigors to maintain the anticipatory bail; besides nothing incriminating has surfaced during the course of investigation, let the petitioner above named 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 Judge Excise-II, Madhubani in connection with Benipatti P.S. Case No. 405 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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