**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.76857 of 2026**

**CNR No. BRHC011117522026**

Arising Out of PS. Case No.-161 Year-2026 Thana- Excise Jhanjharpur District- Madhubani

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Rambilash Yadav @ Rambilash Kumar Yadav Son of Ganesh Yadav R/O Vill.- Mahuliya, Ward No.- 13, P.S.- Phulparas, Distt.- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jhanjharpur Excise P.S. Case No.161 of 2026, F.I.R dated 03.08.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on 03.08.2026, upon receiving information regarding the storage of illicit liquor at the petitioner's dalan for sale, the informant along with the police personnel reached the petitioner's house and noticed certain accused persons carrying sacks towards the bushes behind the dalan. Upon seeing the police, the accused persons abandoned the sacks and fled. On search, 144 litres of illicit

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Nepali liquor was recovered from four plastic sacks kept in the bushes, pursuant to which a seizure list was prepared.

4. Learned counsel for the petitioner submits that the recovery is made from the place behind the house of the petitioner, which does not belong to the petitioner. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under Sections 103 and 105 of the Bihar Prohibition and Excise Act, 2016. It has lastly been submitted that the petitioner has no criminal antecedent and merely on the basis of suspicion, the petitioner has been implicated in the present case.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and the petitioner has no criminal antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on

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furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Jhanjharpur, Madhubani, in connection with Jhanjharpur Excise P.S. Case No.161 of 2026 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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