

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7173 of 2025

Arising Out of PS. Case No.-748 Year-2024 Thana- Excise P.S. District- Nawada

Mukesh Yadav @ Mukesh Kumar Son of Ganauri Yadav @ Genauri Yadav
Resident Of Village- Lohsinghna Ps- Akbarpur District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-03-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Excise Police Station Case No. 748 of 2024, dated 27.10.2024, disclosing offence under Sections 30(a)/30 (c)/47 of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner, along with other accused persons, is running a liquor kiln and also selling illicit country-made liquor near the river, raided the place of occurrence and on seeing the police, 5-6 persons started fleeing away and succeeded in same. On search, the police recovered 150 litres illicit liquor and 400 litres of fermented mahua liquor.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the seizure list witnesses.. He further submits that the petitioner has got no concern with the illicit liquor and fermented mahua liquor recovered inasmuch as the same has been recovered near the river, which is an open space and is accessible to all. He further submits that the illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the name of the petitioner transpired in this case on the basis of disclosure made by the seizure list witnesses and the illicit liquor and fermented mahua liquor has not been recovered from the possession and/or premises belonging to the petitioner; rather, the same has been recovered from near the river, which is an open space, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within four weeks, 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 learned Exclusive Special Excise Court No. II, Nawada, in connection with Excise Police Station Case No. 748 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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