

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26572 of 2025**

Arising Out of PS. Case No.-33 Year-2025 Thana- Excise P.S. District- Nawada

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Banke Yadav @ Banke Bihari Yadav S/o Dwarika Yadav R/o Vill- Purnadih,  
P.S - Mufassil, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rabi Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      15-05-2025                      Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 33 of 2025 for the offence under sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act lodged on 18.01.2025 by the informant, Subodh Kumar.

3. As per the prosecution story, the Police upon information about the manufacturing of the illicit liquor, raided the place and near the bushes, a person successfully escaped. Upon reaching, one thousand *Java* and *Mahua* solution was found which was destroyed and there is recovery/seizure of six liters country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only to exaggerate the FIR, the one thousand liters destroyed story



has been incorporated, even recovery/seizure of the six liters of liquor is from an open place and not from his conscious possession, lastly, he do not have any criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties as also that recovery/seizure is from an open place and not from his conscious possession and he do not have any criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, contrary to the statement, it was found that the petitioner has criminal antecedent, the present order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court-2, Nawada/concerned Court in connection with Excise P.S. Case No. 33 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Adnan/-

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