

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26268 of 2025**

Arising Out of PS. Case No.-372 Year-2024 Thana- Excise P.S. District- Siwan

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Rameshwar Yadav S/o Late Rajbali Yadav @ Rambali Yadav Resident of  
Village- Titara Tola Basntpur, P.S. - Mairwa, District - Siwan, Bihar, 841239.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      07-05-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Siwan Excise P.S. Case No. 372/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 27 liters illicit country made liquor from the un-constructed house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of



the petitioner. The petitioner has no concern with the seized liquor. He further submits that from perusal of FIR, it is crystal clear that the place of recovery was open place and the same is accessible to all. Seizure list has not been prepared as per law. He further submits that on account of land dispute between the younger brother, who is the informant of the present case, the petitioner has been falsely implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned Exclusive Special Excise Court No.-II, Siwan in connection



with Siwan Excise P.S. Case No. 372/2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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