

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30375 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- HATHIDAH District- Patna

Shyam Yadav @ Shyam Sunder Yadav about 38 years (M), Son of Sri Nathuni Yadav @ Natho Yadav, Resident of Aunta, Ram Tola P.S- Hathidah, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Manglam, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2025 Heard Mr. Kumar Manglam, learned counsel

 appearing on behalf of the petitioner and Mr. Raj Ballabh Singh,

 learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Hathidah P.S. Case No. 23 of 2025 registered for the offence(s) punishable under Sections 30(a)/30(c) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 10 litres of illicit liquor was recovered from a gallon near the bank of a river. One co-accused Ashok Choudhary was apprehended from the spot and he disclosed the name of the petitioner and other accused persons.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that recovery of illicit liquor has been made near a bank of a river which is an open place and is easily accessible by anyone. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties as well as the fact that there is total failure of Prohibition in the State of Bihar, action is required by Superintendent of Police and Excise Superintendent concerned. The distance from the place of recovery of illicit liquor and the concerned police station is only 2 kilometers and, as such, the complicity of the concerned SHO cannot be denied. The Director General of Police, Bihar is directed to seriously look into the affairs of the prohibition and take necessary step to stop violation of the statutory provision of Bihar Prohibition and Excise Act.

7. Considering the nature of allegation made against the petitioner in the FIR and also the fact that recovery of illicit liquor has been made near the bank of a river, which is easily accessible by anyone and also the fact that petitioner has clean



antecedent, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on 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 Court, Barh, Patna / Concerned Court in connection with Hathidah P.S. Case No. 23 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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