

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32117 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Pandav Kumar @ Pandav Yadav S/O Anandi Yadav R/O Ward No. 13,
Village- Kumbhi, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar
For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Cheriya Bariyarpur P.S. Case No. 44 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of secret information, informant along with other police official raided the *Dera* of the petitioner and recovered 6 litre illicit foreign liquor. Mahal chowkidar disclosed the name of petitioner who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that due to enmity with local chowkidar, name of the petitioner has been surfaced in this case. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. He further submits that alleged recovery has been made from *Dera* of the petitioner which is outhouse and same is an open place and petitioner cannot be held responsible for the alleged recovery. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, 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 Exclusive Special Excise Judge-1, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 44 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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