

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34070 of 2025

Arising Out of PS. Case No.-169 Year-2025 Thana- ARA NAGAR District- Bhojpur

Yamuna Yadav @ Jamuna Yadav S/O Late Nanhak Yadav R/O Village-
Begampur, P.S.- Ara Nagar (Ara Town), District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Diwakar .
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Learned counsel for the petitioner is permitted to
make necessary correction in para 8 and 11 of the petition
during course of the day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Ara Town P.S. Case No. 169 of 2025 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2022.

4. As per prosecution case, 90 litre illicit country
made liquor was recovered from an orchard situated near Kali
Mandir of Mohalla Begampur. Apprehended co-accused Bhanu
Yadav disclosed the name of the petitioner who fled away from
the spot.



5. 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 no criminal antecedent. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from 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 place of recovery is an open place and same is accessible to all 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.

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

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of the 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 Exclusive Special Excise Court-1, Bhojpur at Ara/concerned court in connection with Ara Town P.S. Case No. 169 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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