

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32994 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- MAHISHI District- Saharsa

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1. Sarvan Yadav @ Sarvan Kumar Yadav S/o Late Khakhan Yadav, R/o Vill - Shankarthua, P.S.- Mahishi (Jalai O.P.), Distt.- Saharsa.
 2. Sanjay Yadav S/o Late Khamkhan Yadav, R/o Vill - Shankarthua, P.S.- Mahishi (Jalai O.P.), Distt.- Saharsa.
 2. Hitesh Yadav S/o Late Khakhan Yadav, R/o Vill - Shankarthua, P.S.- Mahishi (Jalai O.P.), Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mahishi P.S. Case No.39 of 2025 instituted under Section 30(a), 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 500 liter illegal country made liquor and various equipment as well as three motorcycles in a field near Shankarthua Dam.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case due to village politics. He further submits that recovery of



articles were made from the field in abandoned condition and the said field does not belong to the petitioners. Learned counsel submits that petitioners are neither owner of the said field nor they are owner of the motorcycles which were seized from the place of occurrence. He further submits that the names of petitioners surfaced in this case on the basis of confessional statement of one apprehended accused person, namely, Ramshankar Yadav with whom the petitioners have no concern. He also submits that petitioners were neither present on the spot nor they are involved in any illegal business of liquor and except the confessional statement, there is no material against them. He further submits that petitioners have no criminal antecedent relating to Excise Act and they undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the



learned Exclusive Special Judge (Excise) 1, Saharsa in connection with Mahishi P.S. Case No.39 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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