

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36006 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- BAHERA District- Darbhanga

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Dilip Yadav @ Dilip Kumar Yadav @ Dilip Yadav son of Raj Karan Yadav @
Rajkaran Yadav Resident of Village- Laxmipur PS- Bahera Po -Pohaddi Dist
-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Adv.
Mr. Lalitesh Mani, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 117/2025 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 49.125 litre English wine near the straw house situated at Bonhi Pokhar orchard village- Laxmipur. Mahal Chaukidar disclosed the name of petitioner who fled away from the place of occurrence.

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



in the FIR. Except disclosure of Mahal Chaukidar, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner bears four criminal antecedent out of three cases he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. He further submits that the petitioner is not the owner of the said place from where illicit liquor was recovered. He orally submits that the place of recovery is open place and the same is accessible to all. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. 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, 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 Judge-II, (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 117/2025, 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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