

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36819 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- Excise P.S. District- Nawada

Nandu Kumar @ Nandu Kumar Yadav S/o Balak Yadav @ Ram Balak Yadav
Resident of village- Mohkama, PS- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2025 Heard Mr. Pramod Kumar Verma, learned counsel

for the petitioner and Mr. Khurshid Anwar, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No.142 of 2025, F.I.R dated 13.03.2023 registered for the offences punishable under Sections 30(a) (c) and 44 of Bihar Prohibition and Excise Act.

3. As per the allegation in the F.I.R., the informant got secret information that the petitioner along with the other accused persons were manufacturing illegal wine in the Kinkirwa forest and supply to other places. On the basis of secret information, the prosecution had raided the place of occurrence and they found 1.400 kg/liter which was kept in 13 pits totaling 5200 kg of fermented Java Mahua liquor and about



235 liters of distilled liquor were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case and the petitioner has not committed any offence, as alleged in the F.I.R. and his name has transpired during the investigation on the basis of secret information. It appears from the F.I.R. as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from Kirkirwa forest, which place is far away from the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. He further submits that the petitioner carries six more cases other than the present case and the co-accused person, namely, Raushan Kumar also disclosed that the petitioner was involved in the present crime in



question.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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