

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39250 of 2025**

Arising Out of PS. Case No.-39 Year-2025 Thana- NAWANAGAR District- Buxar

1. Kismat Yadav @ Kismat Kumar Son of Ramsray Singh @ Ram Pravesh Yadav Resident of village - Kasath, ps- Nawanagar, Dist- Buxar
2. Jitendra yadav @ Jitendra Kumar son of Ramsray Singh @ Ram Pravesh Yadav Resident of village - Kasath, ps- Nawanagar, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

2 01-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Nawanagar P.S. Case no. 39 of 2025 instituted for the offence under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The case of the prosecution is that the police got secret information that the petitioners are carrying foreign liquor and when they intercepted, it is alleged that they threw the bag near JIO tower and fled away.

4. Learned counsel for the petitioners has submitted that petitioners are innocent and have falsely been implicated in connection with the present case. It is further submitted that



seizure list goes to show that the recovery has been made from an open field near JIO tower. Nothing has been recovered from the conscious possession of the petitioners. Further submission is that the petitioner no. 1 is having one criminal antecedent whereas the petitioner no. 2 is having no criminal antecedent.

5. Learned APP appearing for the State opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Nawanagar P.S. Case no. 39 of 2025, he will be enlarged on 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 NO. 2, Buxar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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