

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43166 of 2025

Arising Out of PS. Case No.-211 Year-2025 Thana- WARISLIGANJ District- Nawada

Devnandan Yadav @ Devnandan Prasad @ Deva Son of Harful Yadav
Resident of Village- Masankhama, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the bail petition.

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 Warisaliganj P.S. Case No. 211/2025 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition of Excise Act.

4. As per prosecution case, there is alleged
recovery of 26.5 liters cane beer from the house of the
petitioner. Local Chuakidar disclosed the name of the petitioner
who fled away from the place of occurrence.

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



in the FIR. The petitioner bears one criminal antecedent in which he is on bail. Except disclosure of local Chaukidar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner has inimical term with the local Choukidar due to which he has falsely been implicated in the present case. The alleged recovery was made from the joint house of the petitioner and the petitioner cannot be held liable for the same. He further submits that the petitioner has two brothers both are separate in mess and property but the house is common which was divided by room to room. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. He further submits that there is no compliance of Section 103 of B.N.S.S. 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.

6. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery of 26.5 liters cane beer from the house



of the petitioner and the petitioner cannot escape from the liability of the alleged recovery.

7. 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 Court of learned Exclusive Special Court, Excise-2, Nawada in connection with Warisaliganj P.S. Case No. 211/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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