

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49038 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- Raghunathpur Excise District- Siwan

Anish Yadav @ Anand Yadav Son of Late Vinod Yadav Resident of Village-
Barwan Uttarwari Tola, P.S.- Andar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-07-2025 Heard Mr. Ajay Kumar Tiwary, learned counsel for
the petitioner and Mr. Akbar Ali, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
02.06.2025, in connection with Raghunathpur Excise P.S. Case
No. 19 of 2025, F.I.R. dated 02.02.2025 registered for the
offences punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition Excise Act, 2016.

3. Recovery is of 216 litres of foreign liquor and 936
litres of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case on the basis of suspicion/secret information. He
further submits that it appears from the F.I.R. as well as seizure
list that nothing has been recovered from the conscious



possession of the petitioner rather recovery has been made from the *trauli* in question and petitioner is neither the driver nor the owner of the *trauli* in question. He further submits that except suspicion/secret information, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 02.06.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the same is not pertaining to excise matter.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and the petitioner has been made accused on the basis of suspicion/secret information, let the petitioner, above named, be released 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 Judge, Excise Court No. II, Siwan in connection with Raghunathpur Excise P.S. Case No. 19 of 2025, subject to the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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