

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60252 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- Kaler District- Arwal

Sudama Yadav Son of Late Ramdev Yadav village- Ardali Bigha (Bardali Bigha), Ps- Kaler, dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kaler P.S. Case No. 85 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, informant got secret information that petitioner has kept large quantity of country made liquor in a pit which is situated beside his house. Thereafter, informant alongwith police officials reached on the spot and recovered 31.200 litre illicit liquor from the place of occurrence.

4. Learned counsel for the petitioners submits that from perusal of the F.I.R., it is not clear as to who has divulged



the name of petitioners, and hence the authenticity of the F.I.R. is doubtful. He further submits that place of recovery is an open place and, hence, petitioner cannot be held liable for the alleged recovery. He was not found at the place of occurrence. No incriminating article has been recovered from the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of one case on which he is on bail.

5. The learned A.P.P. for the State opposes 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 Special Judge Excise II, Excise, Jehanabad in connection with Kaler P.S. Case No. 85



of 2025, subject to the conditions as laid down under Section
482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

