

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55783 of 2025

Arising Out of PS. Case No.-401 Year-2025 Thana- Excise P.S. District- Nawada

Mithilesh Yadav S/o- Ramji Prasad Village- Purani Hardiya PS- Rajauli, Dist- 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. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, 57 litres of *Chulai*
wine kept in jute bag was recovered from the field of Moong
Dal situated south of Hardiya village and west of Bhawan Int
Bhatha. It is suspected that petitioner is involved in the illegal
trade of illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on suspicion. Further submission is that petitioner
was neither present on the spot nor anybody has seen the
petitioner on the place of occurrence. Petitioner has no concern



with the seized illicit liquor or place of occurrence. Nothing has been recovered from the conscious possession of the petitioner. There is no independent witness on the seizure list. Petitioner has three criminal antecedents, out of which two are of Excise Act. In all the three cases, petitioner is on bail. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court concerned within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, Excise-2, Nawada in connection with Excise P.S. Case No. 401 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with further conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.

(Sunil Dutta Mishra, J)

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