

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60308 of 2025**

Arising Out of PS. Case No.-169 Year-2025 Thana- Excise P.S. District- Bhojpur

Sahil @ Saheb Yadav S/o Suresh Yadav @ Late Suresh Yadav R/o Village-  
Maula Bagh, Near S.B. College, P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

**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 Excise P.S. Sadar (Ara) Case No. 169/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 410 liters country made Chulai liquor from the land in question. Nearby people disclosed the name of the petitioner who is involved in the business of the illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. The name of nearby people has not been disclosed, which questions



the authenticity of the FIR. Except disclosure of nearby people, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner was not found at the place of occurrence. He orally submits that place of recovery is open place which is accessible to all and the petitioners cannot be held liable for the alleged recovery. No incriminating article has been recovered from the possession of the petitioner. He further submits that the petitioner is not indulged in manufacturing and selling the illicit liquor. The petitioner has no concern with the seized liquor. The petitioner is not the owner of the said land. The petitioner is not in any way connected with the alleged occurrence. 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.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 Excise Judge-II, Bhojpur at Ara / Concerned Court in connection with Excise P.S. Sadar (Ara) Case No. 169/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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