

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61708 of 2025**

Arising Out of PS. Case No.-109 Year-2025 Thana- RUPO District- Nawada

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Dinesh Yadav @ Dinesh Kumar son of Laxhman Yadav Resident of Village-  
Bhikhanpur, P.S.- Rupao, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Bharat Lal

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      23-09-2025                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rupao P.S. Case No. 109/2025 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 10 liters Mahua liquor from the field. Mahal chowkidar disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except disclosure of Mahal Chowkidar, there is nothing on record to demonstrate the complicity of the present



with the alleged occurrence. The petitioner has inimical term with Mahal Chowkidar due to which he has falsely been implicated in this case. The petitioner bears no criminal antecedent. He further submits that place of recovery is open place which is accessible to all and the petitioner cannot be held liable for the alleged recovery. 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 the owner of the said field. The petitioner is not in any way connected with the alleged occurrence. There is no compliance of Section 103 of the B.N.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.

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 Exclusive Special Court Excise-2, Nawada in connection with Rupao P.S. Case No. 109/2025, 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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