

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61846 of 2025

Arising Out of PS. Case No.-223 Year-2025 Thana- RIVILGANJ District- Saran

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Bimlesh Yadav S/o Jairam Yadav @ Jayram Ray R/o Village- Naya Basti
Semariya, P.S.- Revilganj, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Soban Asghar, Adv. Mr. Ashad, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP

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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 Revilganj P.S. Case No. 223 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 15 litre country made liquor was recovered from a pit adjacent to the house of the petitioner and nearby people disclosed the name of petitioner who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of four cases in



which he is on bail and just because of criminal antecedent of the petitioner, he has been falsely implicated in this case without any basis. He further submits that name of nearby people has not been disclosed in the FIR which questions the authenticity of the prosecution story. Except disclosure of nearby people, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Place of recovery is an open place and hence, petitioner cannot be held responsible for the alleged recovery. Petitioner has no concern with the seized liquor. Section 103 and 105 of BNSS have not been followed. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently 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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Revilganj P.S. Case No. 223 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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