

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64368 of 2025

Arising Out of PS. Case No.-179 Year-2018 Thana- PUNPUN District- Patna

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Satish Kumar @ Anish Kumar @ Satish Kumar Yadav, son of Girja Nand Prasad @ Girja Yadav, Resident of Village- Thubhapar, near Nawada Railway Station, Ps- Dhanaura, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Pun-Pun P.S. Case No. 179 of 2018, Spl. Case No. 6139 of 2018 registered for the offences punishable under Section 273 of the Indian Penal Code and 30(a) of the Bihar Excise and Prohibition Act.

3. In course of patrolling the police intercepted one tempo and apprehended the driver of the vehicle. In course of search, 63 litres of illicit wine was recovered from the vehicle. The apprehended person disclosed the name of the petitioner and others who were indulged in trafficking of illicit wine.



4. Learned Advocate appearing on behalf of the petitioner submitted that the petitioner had never been informed with regard to the institution of the present case, nor any process has ever been issued and served upon him, hence the delay has occurred in approaching the Court. The petitioner has neither any concern with the tempo in question, nor with the recovered illicit wine and the apprehended person. Save and except the disclosure made by the apprehended person, that too before the police, which is not admissible in the eyes of law, there is no material suggesting the complicity of the petitioner in crime. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that anticipatory bail of the petitioner is not maintainable in view of Section 76(2) of the Bihar Prohibition and Excise Act, coupled with the fact the petitioner was evading his arrest for last 7 years.

6. Having considered the submissions advanced and taking note of the materials available on record specially the fact that the petitioner has no concern with the tempo in question from where the recovery has been made, save and



except the disclosure there is no material and, as such, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted, besides the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise (ii) (Patna) in connection with Pun-Pun P.S. Case No. 179 of 2018, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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