

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70879 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- NADI District- Supaul

Om Prakash Kumar @ Om Prakash Yadav Son of Raghu Yadav Resident of
Village - Tulasiyahi (Ward No. - 3), Post - Manharpatti, P.S. - Nadi, District -
Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Nadi P.S. Case No. 69 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of secret information, 41.7 litre illicit liquor was recovered from the field of *mung bean* situated behind the house of the petitioner and local 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 one case in which he is on bail and just because of criminal antecedent of the petitioner, he has been falsely implicated in this case. He further submits that source of information and name of local people have not been disclosed in the FIR which questions the authenticity of the prosecution story. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Petitioner is not owner of the land in question from which alleged recovery has been made. Place of recovery is an open place and hence, petitioner cannot be held responsible for the alleged recovery. 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 opposes the prayer for anticipatory bail of the petitioner and submits that 41.7 litre illicit liquor was recovered from the field of mung bean situated behind the house of the petitioner and local people disclosed the name of petitioner who fled away from the spot and hence, petitioner cannot escape from the allegation made in the FIR.

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 Exclusive Special Excise Court No. 1, Supaul in connection with Nadi P.S. Case No. 69 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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