

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70376 of 2025

Arising Out of PS. Case No.-235 Year-2025 Thana- EXCISE MAHARAJGANJ District-
Siwan

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Jay Prakash Yadav S/O Umashankar Yadav R/O Village- Sisai, P.S.- Goriya
Kothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Maharajganj Excise P.S. Case No. 235 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 25.920 litre illicit liquor was recovered from the Auto which was parked in front of the house of the petitioner. It came to fore that the alleged liquor and said auto belong to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that the said auto does not belong to the petitioner. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, petitioner is not the owner of the said auto in question, 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 Judge of Excise II, Siwan in connection with Maharajganj Excise P.S. Case No. 235 of 2025, subject to the conditions as laid down under Section



482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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