

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70903 of 2025

Arising Out of PS. Case No.-778 Year-2025 Thana- Excise P.S. District- Aurangabad

Birendra Yadav S/o Late Bedi Yadav R/o village - Tendua Pokhar, P.S -
Muffasil, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar, Adv.

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

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. Petitioner is apprehending arrest in connection with Excise Sadar Aurangabad P.S. Case No. 778 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 5.100 liters illicit country made liquor kept in plastic bag near the grocery shop of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. It is submitted that the place from where the alleged recovery has been made is an open place situated outside the



grocery shop of the petitioner, which is accessible to all, and petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. It is further submitted that except suspicion there is nothing on record to connect the petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioner has criminal antecedent of one case. It is orally submitted that petitioner is already on bail in the said case. 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.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner's name finds figure in the F.I.R. and he cannot escape from the allegation levelled in the first information report.

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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Excise Judge II, Aurangabad/concerned court in connection with Excise Sadar Aurangabad P.S. Case No. 778 of 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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