

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72456 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- SANDESH District- Bhojpur

-
1. Lallu Yadav S/o- Vijay Yadav Village- Rampur P.S.- Chandi District- Bhojpur, Bihar
 2. Kanhaiya Yadav @ Kanhaiya Kumar S/o- Baliram Yadav Village- Rampur P.S.- Chandi District-Bhojpur, Bihar
 3. Ranjit Yadav @ Budha @ Ranjit Singh S/o- Mahesh Yadav Village- Rampur P.S.- Chandi District-Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Sandesh P.S. Case No. 190/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 25 liter country made *Desi Mahua wine* from the village Kholpur Badhar. Apprehended co-accused Sudhir Kumar disclosed the name of the petitioners who fled away from the place of occurrence.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to dirty village politics. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioners bear no criminal antecedent. He orally submits that place of recovery is open place which is accessible to all and the petitioners cannot be held liable for the alleged recovery. The petitioners were not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioners. The petitioners have no concern with the seized liquor. He further submits that the petitioners are resident of village Rampur and place of recovery is in village Kholpur Badhar and the petitioners have no concern with the said place. The petitioners are not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that



the name of petitioners find place in the FIR and the petitioners cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Bhojpur, Ara in connection with Sandesh P.S. Case No. 190/2025, 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)

amitkumar/-

U		T	
---	--	---	--

