

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80092 of 2025

Arising Out of PS. Case No.-319 Year-2025 Thana- SISWAN District- Siwan

Ganesh Yadav, S/o- Late Rameshwar Yadav @ Ramishwar Yadav, R/v-
Gayaspur Mathiya, P.S.- Siswan, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate.
For the State : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Siswan P.S. Case No. 319 of 2025 dated 05.09.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, 160 litres of illicit liquor has been recovered from the bush situated at village Saipur which is an space accessible to public at large. The only case against the petitioner is that as per information, the petitioner and other co-accused had concealed illicit liquor in the bush.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the whole case is based on hear say



and suspicion. He further submits that recovery of country made liquor has been made from an open space accessible to public at large. He also submits that there is no *prima facie* case made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering that no *prima facie* case is made out against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Siswan P.S. Case No. 319 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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