

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84355 of 2025

Arising Out of PS. Case No.-182 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Anish Kumar Yadav @ Anish Kumar, S/O Dinesh Rai @ Dinesh Ray, R/O
Village- Mangalpur, P.S- Mohammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-12-2025 Heard Mr. Lokesh Kumar Singh, learned counsel
for the petitioner and Mr. Pradeep Narain Kumar, learned APP
for the State.

2. The petitioner apprehends his arrest in connection with Baikunthpur P.S. Case No. 182 of 2025 dated 22.05.2025 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short, 'Excise Act').

3. Learned counsel for the petitioner submits that the recovery of the alleged liquor is made from a motorcycle and with the said motorcycle the petitioner has no connection and the name of this petitioner has surfaced on the basis of the identification made by local villagers, however, their names have not been disclosed in the FIR and such identification has



no evidentiary value in the eyes of law. It is further submitted that no any independent witness has come forward to support the prosecution case and only police personnel were made witnesses of the seizure list. It is lastly submitted that the petitioner has clean past history and has never remained involved in similar type of alleged offence of the Excise Act and in the light of these circumstances, the alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against the petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Though learned APP for the State has opposed the prayer of the petitioner but he has not been able to rebut the petitioner's aforesaid submissions.

5. In the facts and circumstances of this case and mainly considering the above stated facts and the petitioner's fair and clean antecedent and his young age, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with



Baikunthpur P.S. Case No. 182 of 2025, subject to the
conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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