

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88413 of 2025

Arising Out of PS. Case No.-544 Year-2025 Thana- WARISLIGANJ District- Nawada

Saryug Yadav @ Sarju Yadav @ Sarju Prasad S/o Baldeo Yadav Resident of
Village - Shekhpurva, (Dariapur), P.S.- Warisaliganj, District - Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Warisaliganj P.S. Case No.544 of 2025 dated 22.10.2025 registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016/Amendment Act, 2022.

3. As per prosecution case, the police has recovered 15 liters of illicit country-made wine from the village *Makanpur* Canal. The police has also recovered 70 liters of illicit *Mahua* liquor from the Sultanpur village. Accordingly, two seizure lists were prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case merely on the basis of suspicion. Learned counsel



for the petitioner by taking this Court to the contents of the F.I.R. submits that the petitioner has been implicated in this case for manufacturing the illicit county-made liquor at village Makanpur Canal while the another seizure, which pertains to recovery of 70 liters of illicit country-made Mahua liquor, is said to have been made from where one person namely Vipul Kumar is said to have been arrested. Counsel for the petitioner next submits that the place, at which the petitioner is said to have been shown to be involved in manufacturing, is an open place, accessible to one and all and there is no cogent material to find his complicity in the alleged commission of offence. There has been no recovery from the constructive possession of the petitioner. It is further submitted that the petitioner has no concern with the seized liquor. It is next submitted that there is no independent witness to the alleged search and seizure and the same is said to have been prepared in violation of Section 103 of the BNSS. Lastly, it is submitted that the petitioner is a man of clean antecedent and is a man of means and is ready to abide by the terms and conditions imposed in this case, in case the benefit of privilege of anticipatory bail is extended to him.

5. Learned APP for the State opposed the prayer for bail.



6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession of the petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the Court below within a period of four weeks from today 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 Court, Excise-2, Nawada in connection with Warisaliganj P.S. Case No.544 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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