

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67599 of 2024

Arising Out of PS. Case No.-333 Year-2024 Thana- MURLIGANJ District- Madhepura

Ajay @ Bambholi Yadav @ Ajay Kumar @ Bambholi Yadav Son of Late
Surendra Prasad Yadav Resident of Village - Dwarka Tola Jeetapur, Ward
No.10, Police Station - Murliganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 18-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act in
connection with Murliganj P.S. Case No.333 of 2024.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of seven cases and allegation is of
recovery of 156 liters of liquor from agricultural field of a
Thakurbari.
4. It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on secret informantion which is the easiest way to implicate someone. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically in all cases and at times to save the real culprits.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Vth-cum- Special Judge, Excise-I, Madhepura in connection with Murliganj P.S. Case No.333 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the



criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than seven cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

9. Today 15 cases relating to excise were taken up. In 15 cases there were 20 petitioners out of which 09 petitioners were persons with clean antecedent and in 06 cases the recovery of liquor was less than 30 liters, as such the total amount of liquor alleged to have been seized is 2143.48 liters.

(Satyavrat Verma, J)

Prakash Narayan

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