

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81676 of 2024

Arising Out of PS. Case No.-263 Year-2024 Thana- WARISLIGANJ District- Nawada

Dharmendra Yadav S/o Sinehi Yadav Resident Of Village- Nagpur, Ps-
Warisaliganj, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Warisaliganj P.S. Case No. 263 of 2024 dated 14.07.2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per the allegation, there is recovery of 25 liters of country made liquor at the instance of the co-accused Binod Kumar Chaudhary. As per the confessional statement of the co-accused, the present Petitioner is also involved in the alleged trade of illicit liquor.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that he is no way involved in the alleged offence nor is any recovery either from his possession or from his house. He also submits that the whole case is based on suspicion.

5. On the basis of the material available, no case is made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. 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.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has been made accused in one other case.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **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 Ld. Exclusive Special Court Excise-2, Nawada in connection with Warisaliganj P.S. Case No. 263 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. 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, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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