

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4372 of 2025

Arising Out of PS. Case No.-186 Year-2023 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

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PANKAJ YADAV @ PANKAJ KUMAR S/o- Jamadar Pd. Yadav @ Jamedar
yadav Village- Bhaluahi W.No-7, Ps- Gwalpara Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 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
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Udakishunganj Excise P.S. Case No.186 of
2023.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 655.71 liters of liquor from a bamboo orchard.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession. It is further submitted that petitioner came to be
implicated based on the fact that he is owner of the bamboo



orchard. It is also submitted that no prudent person would use his own orchard for committing an occurrence and thus would create evidence against himself and hence would get implicated.

5. It is next submitted that orchard is an open space and is accessible to the villagers and it appears that someone inimical to the petitioner got the liquor planted in the orchard with a view to falsely implicate the petitioner.

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

7. 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 provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura in connection with Udakishunganj Excise P.S. Case No.186 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and



in the event if it is found that petitioner has antecedent of even one case, in that event, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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