

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11798 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- BHAIROGANJ District- West Champaran

Chhote Yadav @ Chhotelal Yadav @ Chhotelal S/O Late Adalat Yadav @
Late Adlat Yadav R/O Village -Parasauni, P.S- Bhairoganj, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 03-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bhairoganj P.S. Case no.26 of 2024 registered under
sections 341, 323, 354, 427, 448, 504 and 34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

3. A perusal of the F.I.R and seizure list would show
that a motorcycle was parked in front of the house of the
informant and some illicit liquor was kept deliberately by the
accused persons and then, they informed the police and police
came to the place of occurrence and arrested co-accused
Mukesh Yadav.



4. Learned counsel for the petitioner submits that it would be clear from the F.I.R itself that it was the accused persons who had informed about the liquor to the police, however, subsequently an altercation took place between the parties. He further submits that petitioner is not the owner of the seized motorcycle and the same belongs to one Chhabila Yadav and hence, no recovery was made from his physical or conscious possession of the petitioner. Co-accused Nagina Kumar Yadav@ Nagina Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 6022 of 2024 (Annexure-P/2). The petitioner undertakes to co-operate in investigation/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that petitioner has two criminal antecedents out of which one is under the Excise Act. In response, learned counsel for the petitioner submits that he is on bail in said cases.

6. In view of the aforesaid facts and circumstances of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in



connection with Bhairoganj P.S. Case no.26 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case on an interval of every 15 days till investigation is concluded against the petitioner.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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