

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10242 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Madan Rai @ Madan Prasad Yadav S/o Ram Naresh Yadav R/o Badharwa Fateh Mohammad, P.O.- Badharga Fathe Mohammad, P.S.- Kundwa Chainpur, Distt.- East Champaran
 2. Dhiraj Rai @ Dhiraj Yadav @ Dhiraj Prasad Yadav S/o Madan Prasad Yadav R/o Badharwa Fateh Mohammad, P.O.- Badharqa Fathe Mohammad, P.S.- Kundwa Chainpur, Distt.- East Champaran
 3. Madhu Yadav @ Raj Kumar @ Madhu Kumar S/o Ram Khushi Ray R/o Badharwa Fateh Mohammad, P.O.- Badharqa Fathe Mohammad, P.s.- Kundwa Chainpur, Distt.- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Mohit Raj, Advocate Mr. Ankit Kumar, Advocate
For the State	:	Mr. Mr. Shantanu Kumar, Advocate, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Kundwachainpur PS. Case No.171 of 2024 Dated 30.10.2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation, there is recovery of 504 liters of liquor from a bush located at a distance of hundred meter from



Barharwa chok situated in Kundwa Chainpur police station. As per hear say the said recovered liquor has been kept their by the accused-petitioners.

4. learned counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the recovery of the liquor has been made from open public place and there is no recovery from the conscious possession of the petitioner. He further submits that except the hear say, there is no material available on record which could connect the petitioners with the alleged offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner no.1, petitioner no.2 and petitioner no.3 have been made accused in two, three and one case/s respectively.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran at Motihari, in connection with Kundwachainpur PS. Case No.171 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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