

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15706 of 2025

Arising Out of PS. Case No.-872 Year-2023 Thana- Excise P.S. District- Gopalganj

Anil Yadav S/O Chandasi Yadav R/o vill.- Dahi Bhatta, P.S- Uchakaganw,
Dist - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalganj Excise P.S. Case No. 872 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

3. This is a case of misuse of privilege of bail.

4. Learned counsel for the petitioner submits that
petitioner was earlier granted bail in the present case by this
Court vide order dated 21.12.2023 passed in Cr. Misc. No.
80775 of 2023 with following conditions:-

(i) One of the bailors
shall be either father or mother or sister or
brother or wife or the person who has sworn
the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. Learned counsel for the petitioner further submits that petitioner is neither intentionally nor deliberately misused the privilege of bail. He further submits that due to communication gap between petitioner and his counsel, proper pairvi could not be made in the trial court as a result of which bail bond of the petitioner was cancelled. He further submits through paragraph 6 of the instant petition that petitioner was taken into custody on 24.01.2025 and since then he is in jail. He further submits that for the misuse of privilege of bail, petitioner has already suffered jail custody of near about six months and sufficient punishment has already been meted out to the petitioner. Learned counsel undertakes that petitioner will appear before the trial court on each and every date fixed by the concerned court and will never misused the privilege of bail in



future.

6. Learned APP conceded that the petitioner has already been granted bail in the present case by this Court vide order dated 21.12.2023 passed in Cr. Misc. No. 80775 of 2023 and he has already suffered more than six months in jail custody for misuse of privilege of bail. He further submits that no purpose would be served by keeping the petitioner in jail custody. He further submits that petitioner should be directed to appear on the due date promptly.

7. Considering the aforesaid submissions as well as facts and circumstances of the case that it is merely a case of misuse of privilege of bail and also taking into consideration that custody of near about six months has already been suffered by the petitioner and no purpose would be served in keeping the petitioner in jail custody, let the petitioner above named be released on bail, on the same terms and conditions as enumerated in earlier bail order dated 21.12.2023 passed in Cr. Misc. No. 80775 of 2023.

(Alok Kumar Pandey, J)

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