

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12757 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- Gurupa District- Gaya

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Ajay Yadav Son of Satan Yadav R/o-Village-Gurpa, P.S.-Gurpa, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Gurpa P.S. Case No. 129 of 2024 dated 13.12.2024, instituted for the offence punishable under Sections 51 and 52 of the Bharatiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 250 litres country made liquor from forest area along with two motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that nothing been recovered either from conscious possession of the petitioner or from his house rather the said illicit liquor has been recovered from forest area. Only



on the basis of suspicion and disclosure made by the local Chowkidhar, the petitioner has been made accused in this case. It is submitted that similarly situated person, namely, Lallu Yadav has been granted anticipatory bail *vide* Criminal Miscellaneous No. 11612 of 2025 by a co-ordinate Bench of this Court. Lastly, it has been submitted that he has one criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gurpa P.S. Case No. 129 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 04, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C., as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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