

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13159 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- YADOPUR District- Gopalganj

Ajit Yadav Son of Bhimal Yadav Resident of Village - Gamharia, P.S. -
Jadopur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.
For the State : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The recovery of total 7.400 litres of country made liquor has been shown from a motorcycle from which a person made an escape.

4. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is not correct and his name has transpired in the present case on account of wrong identification and suspicion raised by local *Chowkidar*. It is further submitted that no recovery was made from physical and conscious possession of the petitioner. Learned counsel for the



petitioner has also filed a supplementary affidavit to bring on record the fact that the petitioner is neither the owner of the said vehicle nor does he have any concern with the seized liquor. Learned counsel for the petitioner further submits that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has two criminal antecedents of same nature. In response to the same, it is submitted on behalf of the petitioner that he is on bail in both the cases.

6. Considering the fact that there is no recovery from physical and conscious possession of the petitioner and also that there is no independent witness to the said seizure/search, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XIII-cum-Special Judge Excise Court-1, Gopalganj in connection with Jadopur P.S. Case No.205 of 2024, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and subject to the further condition that 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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