

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14557 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Awadhesh Yadav @ Awadhesh Kumar Yadav Son of Mohan Yadav Resident
of Village - Vikramrahi, Ward No. 10, Police Station - Ghoghardiha, District -
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2025 1. 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 Sections 30(a),
32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases.

4. Allegation is of recovery of 3945.600 litres of
liquor from a truck.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and is not the owner of
the seized truck. It is further submitted that petitioner came to be



implicated based on the secret information which is easiest way to implicate someone. It is next submitted that once an accused is implicated in a case relating to excise, the police start implicating mechanically without holding proper investigation of the case.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jhanjharpur Excise P.S. Case No. 13 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than three cases in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner



has antecedent of only three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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