

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18481 of 2025

Arising Out of PS. Case No.-2 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

=====

Balram Yadav @ Banna Yadav Son of Rambriksh Yadav @ Gop Jee Resident
of Village- Sara Mohamad, Sara Mohanpur, P.S.-Sadar, Distt.-Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2025 Heard Mr. Baidyanath Prasad, learned counsel for the

petitioner and Mr. Mohammed Arif, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with G.O. Excise Case No. 02 of 2016 for the
offences punishable under Section 47(a) of Excise Act, 1915.

3. According to prosecution case, there is recovery of
4.800 litres country made liquor and 2.600 litres bear, total 7.9
litres liquor was seized.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case and
the petitioner has no knowledge about the present case. He
further submits that it appears from the F.I.R and seizure list that
nothing has been recovered from the conscious possession of the
petitioner rather the recovery has been made from the sweet shop



of the co-accused persons and the petitioner has been made accused on the basis of the secret information. It appears from that F.I.R. itself that the present F.I.R. instituted on 16.01.2016 prior to the publication of Bihar Gazetter (Ex ord) No. 805 dated 02.10.2016, which suggests that the present case has been instituted prior to the present Act coming into force.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries four criminal antecedents of similar nature, other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the secret information, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Specical Judge-I, (Excise Act), Darbhanga in connection with G.O. Excise Case No. 02 of 2016



or G.O. Case No. 486 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

U		T	
---	--	---	--

