

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18288 of 2025

Arising Out of PS. Case No.-508 Year-2024 Thana- KATEYA District- Gopalganj

1. Rahul Yadav @ Rahul Kumar Yadav S/o Ramashish Yadav R/o Village-Durgachak, PS- Kateya, District- Gopalganj
2. Kailash Chaudhary @ Ram Kailash @ Ram Kailash Yadav S/o Balister Chaudhary R/o vill - Bankatiya Tola Tand (Durgachak), P.S.- Kateya, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. Supplementary affidavit has been filed on behalf of the petitioners bringing on record the correct position of the criminal antecedent of both the petitioners. It has been submitted that although there was one antecedent indicated on behalf of petitioner no. 1 and there are two other antecedents out of which in one case, the final form has been submitted and the same has been accepted and the second case has been lodged after the present case in which, he is on bail. So far as the petitioner no. 2 is concerned, three cases have already been mentioned in the main petition, however a 4th case has also been



registered against him, which is after lodging of the present case and hence, the same was not mentioned in the main application.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. There is recovery of 181.800 liters country made liquor from a sugarcane field of one Gorakh Chaudhary.

4. Learned counsel for the petitioner submits that the name of the petitioners have surfaced in the present case on the basis of an identification made by the local chaukidar and also in view of the criminal antecedents of the petitioners. However it has been submitted that there is no independent witness to the seizure list and no recovery from personal or conscious possession of the petitioners. Admittedly, the recovery has been made from an open place, which belongs to a different person.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioners, let in the event of their arrest/ surrender within a period of four weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- (ten 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 Kateya P.S. Case No. 508 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further conditions:-

(i) One of the bailors shall be a close relative/ family member of the petitioners.

(ii) The learned court below shall verify the criminal antecedent of the petitioners before releasing them on bail, which would be done expeditiously without causing any delay.

(iii) The petitioners shall co-operate in the investigation/ trial.

(Soni Shrivastava, J)

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