

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22032 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- DHANHA District- West Champaran

Lalbabu @ Lalbabu Yadav Son of Late Rajdev Yadav Resident of Village
-Gangapatti, P.S. - Kuber Sthan, District - Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the State : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Dhanha P.S. Case No. 10 of 2025 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 13.01.2025 by the informant, Anil Kumar.

3. As per the prosecution story, the informant alleged that liquor is coming from Uttar Pradesh, reached the place, saw altogether four persons coming with the bags on their back. Upon interception, though others managed to escape, one Bechu Bin was apprehended and there are/were recovery of 27 X 3 = 81 liters country made liquor from the three bags. He gave the name of the persons who escaped as Sanjay Sahni, Kanta Bin, Majister Bin and Lalbabu Yadav (the petitioner herein).

4. Learned counsel for the petitioner has taken this



Court to the entire F.I.R. to show that it shows that three person were carrying bag while one was guiding them. It means only four persons were present at the spot whom the Police intercepted, one Bechu Bin was taken into custody while three managed to escape. In that background, the allegation that Bechu Bin gave name of four persons which include this petitioner clearly shows as an after thought has implicated this petitioner only because he has criminal antecedent. The last submission is without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.10,000/- by Demand Draft issued by the local branch of the State Bank of India for the beautification of the Civil Court Campus, Bettiah, West Champaran.

5. Learned APP opposes the prayer for bail submitting that the arrested person has given his name and he has criminal antecedent.

6. Taking into account the aforesaid facts, this Court finds force in the submission of learned counsel for the petitioner, the F.I.R. shows that only four persons were present at the spot, contrary to that beside Bechu Bin four other persons have been named, F.I.R. is there, the petitioner will face the music, learned counsel for the petitioner has made out a case, in



that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- by Demand Draft issued by the local branch of State Bank of India for the beautification of the Civil Court Campus, Bettiah, West Champaran and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Bagaha, West Champaran, in connection with Dhanha P.S. Case No. 10 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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