

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25211 of 2025

Arising Out of PS. Case No.-573 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Vijay Yadav @ Vijay Singh Yadav Son of Vishun Dayal Yadav R/O Vill- Asni,
P.S.- Udwantnagar, District- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Udwantnagar P.S. Case No. 573 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 25.12.2024 by the informant, Manoj Kumar Kapri

3. As per the prosecution story, the informant on secret information, raided the place and there is recovery/seizure of 105 liters of country-made liquor hidden in a container near the bushes. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather from an open place which is accessible to everyone and has been implicated only because of his criminal antecedents. The last submission is that without accepting the allegation and/or the



outcome of the present case, the petitioner intends to contribute Rs.15,000/- to the District Legal Services Authority, Bhojpur [exclusively for the purchase of journals (SCC/PLJR/BLJ/Bare Acts)] by way of Bank Draft of the local State Bank of India.

5. Learned APP opposes the prayer submitting that he has criminal antecedents.

6. Taking into account the submissions of the parties as also that nothing has been recovered from his conscious possession, FIR lodged and will be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Bhojpur for the purchase of journals by way of Bank Draft of the local State Bank of India and the receipts have 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 Exclusive Special Excise Judge Excise Court No. II, Bhojpur, Ara in connection with Udwanthnagar P.S. Case No. 573 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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