

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25987 of 2025

Arising Out of PS. Case No.-105 Year-2005 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Awadhesh Yadav S/o Gaya Yadav, R/o Village- English Tola Kashidih, P.S.-
Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Charpokhari Excise P.S. Case No. 105 of
2005, dated 08.07.2005, registered for the offences punishable
under Section 47(A) of the Excise Act.

3. As per allegation, 1800 kg. java *Mahua* and some
utensils have been recovered from the house of the petitioner in
the year of 2005 when *Mahua* was not prohibited article as per
Excise Act.

4. Learned counsel for the Petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that no offence is made out against the



petitioner as per the alleged facts and circumstances.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Charpokhari Excise P.S. Case No. 105 of 2005, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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