

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25476 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- NADI District- West Champaran

Harakh Yadav S/o Munna Yadav R/o Village- Karhiya Basauli, P.S.- Bhitaha,
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2025 Heard Mr. Bijay Kumar Singh, learned counsel for
the petitioner and Ms. Sucheta Yadav, learned APP.

2. The petitioner is apprehending arrest in connection with Nadi P.S. Case No. 12 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 13.03.2025 by the informant, Dinesh Kumar.

3. As per the prosecution story, the informant upon secret information, intercepted a motorcycle and there is recovery/seizure of 7.920 liters of wine. The person riding it, escaped but the locals gave the name of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he criminal antecedent nor the motorcycle belongs to him and only due to village politics, he has been named.



5. Learned APP opposes the prayer submitting that the locals gave his name.

6. Taking into account the aforesaid facts as also that the motorcycle does not belong to him, nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that that the petitioner has criminal antecedent, the order shall become infructuous.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Nadi P.S. Case No. 12 of 2025 to the satisfaction of learned Special Judge Excise, Bagaha, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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



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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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)

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