

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25675 of 2025

Arising Out of PS. Case No.-544 Year-2021 Thana- MASAUDHI District- Patna

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1. Dhananjay Yadav S/O Surendra Yadav Resident of Village- Badroi, P.S- Masaurhi, New P.S- Lahsuna, Distt.- Patna.
 2. Raju Kumar S/O Umesh Kumar Resident of Village- Badroi, P.S- Masaurhi, New P.S- Lahsuna, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Prasad, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Masaurhi P.S. Case No. 544 of 2021 for the offence registered under sections 30(a)/30(c) Bihar Prohibition & Excise Act, 2018 lodged on 09.10.2021 by the informant, Anil Kumar Besra.

3. As per the prosecution story, the Police on information and during the patrolling, reached near Morhan river. The accused managed to escape but there is recovery/seizure of 15 litre country made liquor and 6,000 litre raw material which were destroyed. This led to the FIR.



4. Learned Counsel for the petitioners submit that they claim to have destroyed 6000 litre and the said statement cannot be believed in absence of putting it in the seizure list. The seizure list only shows 15 litre country made liquor. It has been recovered/seized from an open place and not from the conscious possession. The last submission is that the two petitioners have no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts as also that both the petitioners do not have criminal antecedent, this Court is inclined to grant them the anticipatory bail with conditions subject to verification of their criminal antecedents. If any of them is having criminal antecedent, order with respect to the said petitioner shall become infructuous.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, Excise-III, Patna in connection with Masaurhi P.S. Case No. 544 of 2021 subject to condition as laid down under



Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(Rajiv Roy, J)

Vijay Singh/-

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