

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27212 of 2025

Arising Out of PS. Case No.-15 Year-2019 Thana- KHAJEKALA District- Patna

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1. MUKESH YADAV @ MUKESH KUMAR S/O DHARMDEO YADAV
RESIDENT OF VILLAGE-CHHOTI BZAZR NEAR SCHOOL OF SUKLA
JI, P.S.-KHAJEKALAN, DIST.-PATNA.
 2. MUNTUN YADAV @ MUNTUN KUMAR S/O LATE PANCHI YADAV
RESIDENT OF VILLAGE-CHHOTI BZAZR NEAR SCHOOL OF SUKLA
JI, P.S.-KHAJEKALAN, DIST.-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-05-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Khajekalan P.S. Case No. 15 of 2019 for the offence registered under sections 30(a) of Bihar Prohibition & Excise Act, 2018 lodged on 07.01.2019 by the informant Shambhu Kumar Choudhary.

3. As per the prosecution story, the Police upon secret information, raided the place and near the tree, there is recovery/seizure of 12.750 litre foreign liquor. This led to the FIR.

4. Learned Counsel for the petitioners submit that the recovery/seizure is from an open place, he has no criminal



antecedent but only due to the locals having given the name due to enmity, got implicated.

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

6. Considering the submissions of the parties as also that the recovery/seizure is from an open place, the petitioners have no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

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 Special Judge Excise, Patna City in connection with Khajekalan P.S. Case No. 15 of 2019 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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