

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29637 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- Paura District- Khagaria

Chhotu Yadav @ Kush Yadav @ Kush Kumar @ Chhotu Kumar @ Chhote
Yadav S/O Yashodhar Yadav R/O vill - Poura, P.S.- Poura, Distt.- Khagaria
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2025 Heard Mr.Nafisuzzoha, learned counsel for the
petitioner and the Mr.Awadhesh Kumar Singh, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since
29.03.2025 in connection with Paura P.S. Case No.37 of 2024,
F.I.R. dated 28.11.2024 registered for the offence punishable
under Sections 30(a),45,32(2) of Bihar Prohibition and Excise
Act, 2018.

3. Recovery is of 6.660 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case and it appears from the FIR as well as the seizure
list that altogether 6.660 liters of foreign liquor was recovered
and as per allegation in the FIR the petitioner was fled away
from the place of occurrence and it appears from the FIR as well



as the seizure list that the recovery has been made from possession of co-accused person, namely, Santosh Yadav and from the house of co-accused person, namely, Dablu Sharma and petitioner has no concern at all with the present occurrence or the co-accused person. Earlier the petitioner has been granted privilege of anticipatory bail by this Court vide order dated 12.02.2025 passed in Cr. Misc. No. 3572/2025 and the bail bond of the petitioner was accepted and thereafter on the basis of the report of the Superintendent of Police, the bail bond of the petitioner was cancelled vide order dated 06.03.2025 by the learned court below itself and the petitioner is in custody since 29.03.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that it appears that the petitioner has concealed the material fact before this Court and obtained the anticipatory bail. It appears that the petitioner carries two more cases other than the present one but he fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Judge, Excise-01, Khagaria in connection with Paura P.S. Case No.37 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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