

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30164 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- BAGENGOLA District- Buxar

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1. NANDJI YADAV @ NANDJI SINGH S/o- Vishwanath Yadav Village-
Chhapra Ps- Bagengola Dist- Buxar
 2. Chhotu Yadav @ Sumant Kumar @ Sumant S/o- Nandji Yadav Village-
Chhapra Ps- Bagengola Dist- Buxar

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. It would appear from the first information report and the seizure list that upon secret information the place was raided and a total of 45 liters of country made liquor was recovered from the wheat field where it was concealed.

4. It has been submitted on behalf of the learned counsel for the petitioners that the names of the petitioners have surfaced on the ground of suspicion whereas the petitioners have



nothing to do with the seized liquor. Moreover, the said recovery has been made from a wheat field which is an open place and is accessible to all. Further, the mandatory provisions of search and seizure have also been violated as there is no independent witness to the seizure list. The petitioners have no criminal antecedent. It has also been submitted that there is no recovery from the personal or conscious possession of the petitioners. It is further stated that one of the co-accused persons Deepak Singh has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.05.2025 passed in Cr. Misc. no. 33760 of 2025.

5. Learned APP for the State however opposes the grant of anticipatory bail on the ground that both the petitioners have criminal antecedents out of which some of them are of similar nature. However, it is submitted in response that the petitioners are on bail in all the cases.

6. In view of the aforesaid facts of the case, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bagengola P.S. Case No. 19 of 2025 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Special Court no.1, Buxar, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

7. So far as petitioner no.1 is concerned, he is a man aged about 74 years and hence so far as petitioner no.2 is concerned, he would be subjected to further conditions as mentioned hereinbelow;

(i) one of the bailor should be the family member/relative of the petitioners.

(ii) the petitioner no.2 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner no.2 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.

(Soni Shrivastava, J)

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