

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35306 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- PARBATTa District- Khagaria

Sudhir Yadav Son of Vimal Yadav Village -Temtha, ward no 06, PS -Parbatta,
Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 7.500 liters of foreign liquor is said to have been recovered from a hut in which the said liquor was concealed under a hay stock.

4. It is submitted by learned counsel for the petitioner that the said hut does not belong to the petitioner and in any view of the matter, it seems to be an open space which was accessible to all. There is no recovery from the conscious or physical possession of the petitioner. It is further submitted that



the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list. Further, the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Parbatta P.S. Case No. 34 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) One of the bailors will be a family member/close relative.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

devendra/-

U		T	
---	--	---	--

