

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33722 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- BABUBARHI District- Madhubani

Sakaldeo Yadav S/o Jagdeo Yadav R/o Village- Sarra Mushari, PS-
Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Babubarhi P.S. Case No. 11 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 08.01.2025 by the informant, Kanchan Pandey.

3. As per the prosecution story, the Police on secret information raided the place and recovered/seized 31.5 liters of Nepali Country Made Liquor near the western canal of the petitioner's house. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is near the canal and not from his conscious possession and the 'Chowkidar' named him only because of criminal antecedent.



5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also that the recovery is from an open place, FIR is there, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Babubarhi P.S. Case No. 11 of 2025 to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise Act, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 petitioner shall appear before the concerned



police station every month for next one year to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner 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 petitioner 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.

(Rajiv Roy, J)

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