

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33744 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

DEVENDRA YADAV @ DEVENDRA KUMAR YADAV S/o KALPNATH
YADAV R/o Village- TOLA SIPAYA P.S- BISHAMBHARPUR DISTRICT -
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2025 Heard Mr. Jitendra Kumar Singh, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Vishambharpur/Bishambharpur P.S. Case No. 45 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.03.2025 by the informant, Sanjeet Kumar.

3. As per the prosecution story, the informant alleged that it intercepted a motorcycle, it was driven by Saheb Kumar without number plate and there is recovery of 27 liters country-made liquor. This followed another motorcycle who however managed to escape leaving the motorcycle from which there is recovery/seizure of 48 liters country-made liquor both of the



same brand. The person who was arrested informed that the liquor is of Jaiprakash Yadav from where it was purchased. This led to the FIR against Saheb Kumar (who was arrested), Devendra Yadav (petitioner herein) as also Jaiprakash Yadav.

4. Learned counsel for the petitioner submits that due to enmity, the Police is implicating him, if granted relief, he shall be diligently appearing in trial and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that the petitioner intends to contribute Rs. 5,000/- to the Chief Minister's Relief Fund.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submissions of the parties as also that nothing has been recovered from his conscious possession, his name has come in the confessional statement of the arrested accused, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned trial Court.

7. Let the petitioner be released on bail in the event of



arrest or surrender 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 like amount each to the satisfaction of learned Additional District and Session Judge IV-cum-Special Excise Court, II, gopalganj in connection with Vishambharpur/Bishambharpur P.S. Case No. 45 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 fortnight for next six months to mark his attendance;

(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)

Adnan/-

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