

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34609 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- Patauna District- Madhubani

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1. Pawan Yadav S/O Late Siya Ram Yadav R/O Village- Nahas, PS- Patauna, District- Madhubani
 2. Runa Devi W/O Pawan Yadav R/O Village- Nahas, PS- Patauna, District- Madhubani
 3. Pankaj Kumar Yadav @ Pankaj Kumar S/O Raman Yadav R/O Village- Nahas, PS- Patauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2025 Heard Mr. Ravi Prakash, learned counsel for the
petitioners and Mr. Matloob Rab, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Patauna P.S. Case No. 29 of 2025 for the offence under sections 274, 275, 3(5) of B.N.S. and section 30(a) of the Bihar Prohibition and Excise Act, 2022, lodged on 09.04.2025 by the informant, Dhananjay Singh.

3. As per the prosecution story, the informant alleged that upon information the DJ vehicle near the house of the petitioners raided and there is recovery/seizure of 75 litre nepali country made liquor and 4.5 litre foreign liquor. The DJ vehicle was without registration, which was seized and upon the local information, the petitioners were named accused. This led to the FIR.



4. Learned counsel for the petitioners submit that it is the case of the petitioners that admittedly, the recovery/seizure is from a DJ vehicle which is not owned by either of them, all being family members. Further, the case of the petitioners does not fall within the ambit of Section 76(2) of the Bihar Prohibition and Excise Act, though they concede that some of the petitioners have criminal antecedent of the same nature.

5. Learned APP opposes the prayer submitting that it has been seized near the house of the petitioners.

6. Taking into account the submissions of the parties as also that recovery/seizure is from a vehicle which is not owned by the petitioners, an undertaking has been given that they shall be diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned District and Additional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani, in connection with Patauna P.S. Case No.29 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioner no.1 shall appear before the concerned police station every fortnight for next one year to mark their attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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