

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36105 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- YADOPUR District- Gopalganj

1. Prahlad Yadav, aged about 45 years, Gender, Male, S/o Late Vishwanath Yadav
2. Santosh Yadav @ Santosh Kumar Yadav, aged about 40 years, Gender, Male, S/o Lal Babu Yadav
Both are Resident of Village - Bhagwanpur, P.S. - Nautan, District - West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-06-2025 Heard Mr. Bijay Prakash Singh, learned counsel

appearing on behalf of the petitioners and Ms. Sharda Kumari,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Jadopur P.S. Case No. 189 of 2024 registered for the offence(s) punishable under Sections 191(1), 191(2), 191(3), 126(2),115(2),118(2),121(1),121(2),132,352,351(1),109,324(4), 326(f), of the BNS and Section 3(1),3(1)(d),3(1)(dh),3(2)(va) of the SC/ST Act and Section 45 of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, the informant, who is a police officer, has alleged that on receiving secret information that some miscreants were involved in illicit



trade of liquor, a raid was conducted and petitioner no.1 was apprehended along with 10 cartoons of illicit liquor. The accused persons attacked upon the police party in which three police personnel got injured and they also looted the recovered liquor and helped the petitioner no.1 in fleeing away.

4. Learned counsel appearing on behalf of the petitioners submitted that no seizure list was prepared to show that any liquor was sized in course of raid. Similarly situated co-accused has also been granted bail by this Court vide Annexure P/2. The petitioners being innocent having no criminal antecedent deserve to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the informant being the police officer after having received that the accused persons were engaged in alleged illicit trade of liquor raided the place where the petitioners and other accused persons overpowered them and fled away from the place of occurrence, after causing injury to the police force. No specific allegation has been alleged against the petitioner no.2, however, there is specific allegation against petitioner no.1 that he managed to flee away



from the clutches of the police party with the help of other co-accused persons but in absence of any seizure list to show that any liquor was recovered from the place of occurrence, I am of the opinion that both petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII-cum-Special Excise Court No.1, Gopalganj in connection with Jadopur P.S. Case No. 189 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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