

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38346 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- BISFI District- Madhubani

Kanhaiya Yadav @ Kanhaiya Kumar S/O Chandra Mohan Yadav R/o Village-
Bisfi Dih, Police Station- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-06-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 494 of 2025 arising out of Bisfi P.S. Case No. 61 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition & Excise Act lodged on 12.04.2025 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant upon secret information, raided the cattle shed of Umedi Yadav, two persons tried to escape, one of them was apprehended. He was Umedi Yadav and there is recovery/seizure of 469.440 liter foreign liquor, he gave the name of the petitioner . Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



admittedly, the recovery/seizure is from the house of Umedi Yadav, on his confessional statement, the name has come only because the petitioner has criminal antecedent. The last submission is without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Madhubani for the beautification of Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from the house of Umedi Yadav, though the petitioner has criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Madhubani for the beautification of Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Addl. Session-Special Judge, Excise Act, Madhubani in connection with G.R. No. 494 of 2025 arising out of Bisfi P.S. Case No. 61 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 one year to mark 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 the bail bonds.

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Madhubani for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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