

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38247 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- BANJARIA District- East Champaran

1. Surender Rai @ Surendra Yadav S/O Late Bagad Yadav R/O Village - Chithaon PS -Banjariya, Dist- East Champaran
2. Sudama Yadav S/O Ghiyawal Yadav R/O Village - Chithaon PS -Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 30-08-2025 Learned counsel for the petitioners seeks permission to withdraw the bail application with respect to petitioner no. 1, namely, Surender Rai @ Surendra Yadav, since during the pendency of this case, he has been arrested.

2. Permission, as prayed for, is granted.

3. Accordingly, the bail application with respect to petitioner no. 1, namely, Surender Rai @ Surendra Yadav is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

5. The petitioner no. 2 apprehends arrest in a case registered under Sections 274, 275 of Bharatiya Nyaya Sanhita



and Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

6. As per the prosecution case, 20 litres of country made liquor was recovered from the bank of Fulwar Bangari River. It is alleged that this petitioner and other co-accused were managed to flee away from the spot identified by the local people and *Chowkidar*.

7. Learned counsel for the petitioner no. 2 submits that petitioner is innocent and has falsely been implicated in this case due to malice and grudge intention. Further submission is that the alleged recovery has been made from an open place easily accessible to all. Petitioner was not present on the spot. Petitioner has no concern with the recovered illicit liquor or place of occurrence. There is no recovery of any incriminating material from the conscious possession of petitioner. There is no independent witness on the seizure list. Petitioner no. 2 has one criminal antecedent and he undertakes to cooperate in the investigation and trial.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks



from today, petitioner no. 2 be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Banjariya P.S. Case No. 174 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Sunil Dutta Mishra, J)

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