

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42401 of 2025**

Arising Out of PS. Case No.-433 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Ajay Yadav @ Ajay Kumar Yadav Son of Prithwilal Yadav Resident of
Village- Thengapur, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Adv.
For the State : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

3 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 275, 276, 34 of the Indian Penal Code, Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 and Section 21(C) of the N.D.P.S. Act.

3. The allegation in the FIR is with regard to recovery of 1522 litres cough syrup from a transport company.

4. Learned counsel for the petitioner submits that there is no recovery from conscious and physical possession of the petitioner and there is no compliance of Section 100 of the Cr.P.C. It would be evident from the FIR itself that the name of the petitioner has transpired on the disclosure made by the co-



accused before the police. It is further submitted that the two bills which have been referred to by the co-accused do not concern the present petitioner and as a matter of fact, the petitioner is alleged to be the owner of M/s Shanti Medical Agency at Araria, whereas the bills show the name of one Shanti Medical, N.H.-31, Purnia. It is next submitted that without verifying the real owner of the said shop, the police has falsely implicated the petitioner as the GST number of the shop is also different. It is also submitted that co-accused Ashutosh Kumar, who was the proprietor of the other agency, has already been granted the privilege of anticipatory bail vide order dated 29.01.2022 passed in Cr. Misc. No. 70704 of 2021.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground of huge recovery and also the delay in approaching the Court for anticipatory bail. In response to the same, it is submitted that the petitioner, being a different agency altogether, was never aware of any case of the present nature being pending against him and as soon as he got to know of the same, he has approached the Court for anticipatory bail.

6. Considering the fact that the name of the petitioner has transpired in the confessional statement of co-accused and he is



not concerned with the said consignment, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with K.Hat (Sahayak) P.S. Case No. 433 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related to the petitioner.

(II) The petitioner would cooperate with the Investigating Agency and make himself available before the Investigating Officer of the concerned Police Station as and when required till investigation is pending against him.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

