

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38933 of 2025

Arising out of PS. Case No.-119 Year-2025 Thana- MIRGANJ District- Gopalganj

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Bachan Yadav @ Shambhu Kumar Yadav @ Shambhu Kumar S/O Chandeshwar Yadav @ Chandeshwar Chaudhary Resident of village- Siyadi Mathiya, P.S.- Siwan Muffasil, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Mirganj P.S. Case No. 119/2025 registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act. Petitioner has one criminal antecedent.

3. As per the FIR, on secret information, a raid was conducted by the police and on seeing the police party the petitioner tried to flee away but he was apprehended on chase by the police. On search, total 5.625 litres foreign liquor was recovered from the cartoon kept on motorcycle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Learned counsel



further submits that no recovery has been made from the conscious physical possession of the petitioner. It is also submitted by learned counsel for the petitioner that co-accused namely Sursati Devi has been granted bail by this Court *vide* order dated 25.05.2025 passed in Cr. Misc. No. 35412 of 2025. It is lastly submitted by learned counsel for the petitioner that he is in custody since 12.03.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account that co-accused person has been granted bail by this Court and the petitioner is in custody since 12.03.2025, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj, Bihar in connection with Mirganj P.S. Case No. 119/2025 subject to the conditions :-

a. One of the bailors of the petitioner

shall be his close relative.

b. The petitioner shall remain physi-



cally present in Court on each date of the trial.

c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

d. The Court below shall verify the criminal antecedent of the petitioner except one case and in case at any stage it is found that the petitioner has concealed his criminal antecedent except one case, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the afore-mentioned order shall not be delayed for purpose of or in the name of verification.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Gopalganj within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the



court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. Registry is directed to de-link the present case with Cr. Misc. No. 38590 of 2025.

(Sourendra Pandey, J)

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