

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43981 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- PAHARPUR District- East Champaran

Yogendra Sah @ Yogindra Sah S/O Late Got Sah Resident of Village-
Shishwa Kanhi Tola ward No 5, Police Station- Paharpur, Dist.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Sweta Kumari, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur. APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-07-2025 Heard Mrs. Sweta Kumari, learned counsel for the

petitioner and Mr. Tarkeshwar Nath Thakur, learned APP for the

State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Paharpur P.S. Case No. 73 of 2025 instituted for the
offence under Section 30 (a) of the Bihar Prohibition and Excise
Act.

3. The case of the prosecution is that the police had
secret information that the petitioner had concealed illicit liquor
in his house. Based on this information, from a hutment
belonging to the petitioner, altogether 37 liters of country-made
liquor was recovered. The petitioner was not apprehended. It is
said that the petitioner managed to escape.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He also submits that from perusal of the FIR, it is clear that there is no independent witnesses to the seizure list. It has also been submitted that nothing has been recovered from his possession rather the recovery has been made from an open place. It is further submitted that the hut does not belong to the petitioner.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner and submits that the petitioner has criminal antecedent of five cases out of which three are of similar nature.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail **with a condition that the petitioner shall not indulge in similar nature of offences in future.** The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Paharpur P.S. Case No. 73 of 2025, he will 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 learned Exclusive Special Excise Court No. 1, East Champaran, Motihari, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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