

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43603 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- GAMAHARIYA District- Madhepura

Pravesh Yadav @ Pravesh Kumar S/o Shivanand Yadav R/o vill - Dayalpur,
ward no. 2, P.S. - Gamahariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gamahariya P.S. Case No. 95 of 2025 dated 16.05.2025 instituted
for the offence punishable under Sections 30(a) of Bihar
Prohibition and Excise Act, 2018.

3. The allegation is of recovery of total 162 litres
foreign liquor from the hut (cattle house) of co-accused Birendra
Yadav.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that only on the basis of disclosure
made by the co-accused Birendra Yadav, the petitioner has been
made accused in this case. Nothing has been recovered either from



the conscious possession of the petitioner or from his house. The said illicit liquor has been recovered from the hut (cattle house) of Birendra Yadav. The petitioner has no concern with the said recovery. Lastly, it has been submitted that petitioner has two criminal cases against him of similar nature.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gamahariya P.S. Case No. 95 of 2025, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 5th cum Excise-1, Madhepura subject to condition as laid down under Section 482(2) of the B.N.S.S., subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the framing of charge in this case.

(Khatim Reza, J)

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