

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52497 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- FATEHPUR District- Gaya

1. Sailesh Kumar @ Shailesh Kumar @ Shailesh Yadav Son of Ramchandra Yadav @ Ramchand Yadav Resident of Vill.- Dharhara Kala, P.S.- Fatehpur, District - Gaya (Bihar).
2. Harendra Kumar Son of Chandra Yadav @ Ramchandra Yadav Resident of Vill.- Dharhara Kala, P.S.- Fatehpur, District - Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Adv
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable u/s 30 (a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 300 litres of illicit country made liquor was recovered from the red coloured Maruti Suzuki.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioners and



they have no concern with the alleged recovery. It is also submitted that the petitioners are not the owner of the said seized vehicle. It is lastly submitted that the petitioner no. 1 has one antecedent whereas the petitioner no. 2 has clean criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya, in connection with Fatehpur No. 54 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) One of the bailors will be close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the



prosecution will be at liberty to move for cancellation of their bail bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) The learned Court below shall also verify as to whether the petitioners are the owner of the seized vehicle or not, and if the petitioners are found to be the owner of the said motorcycle the bail order shall not be given effect to.

7. This application stands allowed.

(Sourendra Pandey, J)

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