

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51742 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- KALYANPUR District- East Champaran

1. Akhilesh Yadav @ Akhilesh kumar S/o Shambhu Yadav@Shambhu Rai Resident of Village - Siswa kharar, P.S. - Kalyanpur, Dist.- East Champaran
2. Vinay Yadav S/o Shambhu Yadav @ Shambhu Rai Resident of Village - Siswa kharar, P.S. - Kalyanpur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information, total 50 litres of country-made liquor is said to have been recovered from the bamboo orchard.

4. Learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case. He further submits that petitioners are said to have fled away from that place where the seizure was made. Learned counsel has submitted that petitioners have been falsely implicated merely



because they have one criminal antecedent of similar nature of offence. Learned counsel next submitted that no incriminating has been recovered from the conscious physical possession or premises of the petitioners. The learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court, Patna.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions, the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on deposition of a sum of Rs. 5,000/- to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds on furnishing bail bonds of 25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 188 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

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

(ii) The petitioners shall remain physically present in



Court on each date of the trial.

(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 cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(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 bond 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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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