

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52071 of 2025

Arising Out of PS. Case No.-403 Year-2024 Thana- LADANIA District- Madhubani

Durgesh Yadav @ Durgesh Kumar S/O Sunil Kumar Yadav @ Sunil Kumar
R/O Village- Khajedih, P.S.- Ladania, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Ladania P.S. Case No. 403 of 2024, lodged on 09.12.2024, under Sections 274/275/3(5) of the Bhartiya Nyay Sanhita, 2023 and under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 28.800 litres of Nepali liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the present petitioner is basically victim in this case and his antecedent is clean. Counsel submits that the apprehended accused persons have disclosed his name in this case. Counsel submits that in future such mistake shall not take place.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that antecedent of the petitioner is clean and recovery has not been made from his possession.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Judge (Excise Court), Madhubani, in connection with Ladaniya P.S. Case No. 403 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. And further condition that the Trial Court shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the Trial Court shall take step for cancellation of bail bond of the petitioner. 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.

(Dr. Anshuman, J)

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