

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63949 of 2025

Arising Out of PS. Case No.-175 Year-2025 Thana- MALAHI District- East Champaran

Sanjay Yadav son of Madan Yadav Resident of Village- Majhariya, Ps-
Malahi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Malahi P.S. Case No. 175 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 20.05.2025 by the informant, Karan Singh.

3. As per the prosecution story, the informant alleged that on secret information, two motorcycles were intercepted and there is recovery/seizure of 25.920 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that neither the two motorcycles belong to him nor he has criminal antecedent and only because of enmity, he has been named.

5. Learned APP opposes the prayer submitting that his name has come in the statement of apprehended co-accused



Ajay Kumar.

6. Considering the submissions of the parties as also that neither the motorcycles belong to him nor anything has been recovered from his conscious possession, he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Malahi P.S. Case No. 175 of 2025 to the satisfaction of learned Special Judge, Excise Court No.01, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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