

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66761 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- LAUKAHA District- Madhubani

1. Ram Kumar Yadav S/O Jamun Yadav R/O Village- Madhopur, PS- Laukaha, District- Madhubani
2. Jitendra Ram S/O Suresh Ram R/O Village- Madhopur, PS- Laukaha, District- Madhubani
3. Chhotu Kamat S/O Sukhi Chandra Kamat @ Sukichan Kamat R/O Village- Basaniya, PS- Laukaha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. At the very outset, learned counsel for the petitioner submitted that petitioner no. 2 has been arrested during the pendency of the instant application and seek permission to withdraw the same. Permission is granted.

3. In such view of the matter, the anticipatory bail application of the petitioner no. 2 is dismissed as withdrawn having become infructuous.

4. This bail application now confines only to petitioner nos. 1 & 3.



5. The petitioner no. 1 and 3 apprehend arrest in connection with Laukaha P.S. Case No. 92 of 2025 dated 19.06.2025, instituted for the offence punishable under Sections 274, 275, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

6. The allegation is of recovery of 261 litres Nepali country made liquor from the bush situated near bank of Balan River.

7. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner was not arrested on the spot. Only on the basis of disclosure made by the local Chowkidar, petitioner no. 1 & 3 have been made accused in this case. The alleged place of occurrence does not belong to the petitioner no. 1 & 3. It is next submitted that petitioner nos. 1 & 3 have no concern with the seized motorcycle. Lastly, it has been submitted that petitioner nos. 1 & 3 have two criminal cases each against them.

8. Learned A.P.P. has opposed the prayer for bail of the petitioners.

9. 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 petitioners within a period of six weeks from today, in connection with Laukaha P.S. Case No. 92 of 2025, they shall be released on anticipatory 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 Special Judge, Excise Act, Jhanjharpur, District- Madhubani, subject to condition as laid down under Section 482(2) of the B.N.S.S as also 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 within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in this case.

(Khatim Reza, J)

Sankalp/-

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