

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75422 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- LAUKAHI District- Madhubani

Ranjan Yadav @ Ranjan Kumar Yadav S/O Upendra Yadav R/o village - Koriyahi ,P.S.- Laukahi , District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Ravi Prakash, Advocate
Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-05-2025 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, a recovery of 72 litres of Nepali liquor seized from a motorcycle which was kept in the house of the petitioner.

4. Learned counsel for the petitioner submits that no recovery has been made from the physical and conscious position of the petitioner, and the recovery which is shown from the house, is a joint family property and it is not possible to fix



the liability on this petitioner. However, the very fact that none of the family members are the witness to this seizure list and none of the family members were present in the house when the said raid was made at the back of the petitioner and his family members. Moreover, the mandatory provisions of search and seizure has also not been followed, as there is no independent witness to the said seizure list.

5. Learned APP for the State opposes the prayer on the ground that the petitioner is accused in one more case of similar nature, in response to which it has been submitted that the petitioner is on bail in the said cases. The criminal antecedent report had been earlier called for which shows two cases, and out of the same, one case is of the year 2017 which the petitioner has also referred to in his main application and the other case referred in the antecedent report, is the present case.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise Act, Jhanjharpur, District Madhubani, in connection with Laukahi P.S. Case No.75 of



2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) one of the bailors shall be the member/family relative of the petitioner.

(iii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

7. The petitioner is directed to pay an amount of Rs.5000/- in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code : PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

(Soni Shrivastava, J)

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