

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71893 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Dev Narayan Yadav @ Chhotu Yadav R/O Sudeshwar Yadav @ Sundeshwar
Yadav Resident of Village- Hatwara, Police Station- Keoti, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Ranjan Kumar, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Jhanjharpur P.S. Case No. 119 of 2025 for the offence under sections 30(a), 32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Act lodged on 24.07.2025 by the informant, Md. Tahir Hasan.

3. As per the prosecution story, the Police upon secret information, reached near the hut and recovered/seized 1022 liters of foreign liquor and 360 liters of Nepali country-made liquor from two huts. This led to the FIR.

4. Learned counsel for the petitioner submits that



the huts do not belong to him, has no criminal antecedent and one of the persons apprehended, Jitendra Yadav gave the name of the petitioner. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 30,000/- to the District Legal Services Authority, Madhubani for the beautification of the Civil Court Campus/purchase of flower pots in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that



one of the arrested person has named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner do not have criminal antecedent, nothing has been recovered from his conscious possession and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 30,000/- to the District Legal Services Authority, Madhubani for the beautification of the Civil Court Campus/purchase of flower pots in the Civil Court Campus of Madhubani Judgeship as undertaken by the learned counsel for the petitioner through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Madhubani.

8. 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.

9. Let the petitioner be released on bail in the



event of arrest or surrender 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 like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 119 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(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.

10. A copy of the order be sent to the Principal District and Sessions Judge, Madhubani for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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