

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75312 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- LAUKAHA District- Madhubani

1. Baidyanath Yadav @ Baijanath Yadav S/O Kamaldev Yadav R/o -
Bandarjhuli, Laxamipur, P.S - Laukaha, District - Madhubani, Bihar
2. Devendra Yadav @ Devendra Prasad Yadav S/O Nandlal Yadav R/o -
Bandarjhuli, Laxamipur, P.S - Laukaha, District - Madhubani, Bihar
3. Umesh Gupta @ Jhagru S/O Jilebi Gupta @ Jeebeli Gupta R/o -
Bandarjhuli, Laxamipur, P.S - Laukaha, District - Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-11-2025 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 274, 275 and 3(5) of the B.N.S. and Sections 30(a) and
41(1) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner no.1 has antecedent of one case, petitioner no.2
has antecedent of three cases and petitioner no.3 is a person with
clean antecedent and the allegation is of recovery of 1080 litres
of liquor from two Scorpio vehicles.



4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized vehicle and they came to be implicated at the instance of Chaukidar with whom they are on an inimical term. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding proper investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Laukaha P. S. Case No.152 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case, petitioner no.2 has antecedent of more than three cases and petitioner no.3 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of only one case, petitioner no.2 has antecedent of only three case and petitioner no.3 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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