

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77866 of 2025

Arising Out of PS. Case No.-394 Year-2025 Thana- BALIYA District- Begusarai

Mohan Yadav S/o- Sunil Yadav Village- Pokhariya (Pokhriya), PS- Ballia District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offenced punishable under Sectiond 30(a) and 30(d) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner has antecedents of four cases as pleaded in the supplementary affidavit and allegation is of recovery of 115 litres of liquor from the agricultural field of the petitioner along with 2000 litres of Jawa Mahua which was destroyed. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and no prudent person would use his own premises/field for committing an occurrence and thus, would create evidence against himself



and hence, would get implicated. It is further submitted that it appears that someone inimical to the petitioner planted the liquor and Jawa Mahua with a view to falsely implicate the petitioner. It is further submitted that the name of the petitioner transpired in the confessional statement of Sanjiv Yadav in police custody which does not have any evidentiary value.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Begusarai in connection with Ballia (Balliya) P.S. Case No.394 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of more than four cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his 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 has antecedents of only four cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. The supplementary affidavit filed by learned counsel for the petitioner is taken on record.

(Satyavrat Verma, J)

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