

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83610 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- Safiyasarai District- Munger

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Pramod Yadav S/o Lakhon Yadav Resident of Mohalla- Heru Diyara, PS-
Kasimbazar, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 14-05-2025 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the recovery is of 10.89 liters of illicit foreign liquor seized from a plastic bag from a motorcycle.

4. Learned counsel for the petitioner submits that his name has transpired as the owner of the said vehicle. He submits that the said vehicle was sold much earlier and the copy of the sale letter has been annexed as Annexure-3 to the present application. There is no recovery from the physical and conscious possession of the petitioner and there is no



independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure.

5. Learned APP for the State opposes the prayer of anticipatory bail application on the ground that there is two criminal antecedents which is of same nature, in response to the same, it has been submitted that the petitioner is on bail in all the cases.

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 Special Judge, Excise Act 2nd, Munger in connection with Safiya sarai P.S. Case No.70 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 and subject to the further condition that:-

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

(ii) 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.

(Soni Shrivastava, J)

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