

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87252 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- NAUHATTA District- Saharsa

Chitradev Yadav S/O Lakshman Yadav @ Raghunandan Yadav R/O vill.-
Sattour, ward no. 09, P.S.- Nauhatta, (O.P. Darhar) Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-02-2025 Heard Mr.Pramod Mishra, learned counsel for the
petitioner and Ms.Sangeeta Sharma, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
10.09.2024 in connection with Nauhatta P.S. Case No. 14 of
2024, F.I.R. dated 13.02.2024 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2022.

3. Recovery is of 170 liters of illicit cough syrup.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The allegation as
alleged in the FIR is false and fabricated and the petitioner has
not committed any offence as alleged in the FIR. Further
submits that it appears from the FIR that nothing has been



recovered from conscious possession of the petitioner rather the recovery has been made from the front of the house of the petitioner and co-accused person, namely, Deepak Yadav and Kewal Yadav have been granted privilege of anticipatory bail by this Court vide order dated 22.01.2025 passed in Cr.Misc. No.68736 of 2024 and in the aforesaid order it has been recorded that the laboratory report suggests that the recovered articles conferred under the prescribed limit. In view of the aforesaid, no case is made out against the petitioner under the Excise Act and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.09.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that it appears from the FIR that the recovery has been made near the house of the petitioner and apart from that, the petitioner carries one more case other than the present one but he fairly submits that the police has not submitted final form in the pending matter.

6. Considering the aforesaid fact, let the petitioner, above named, 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 Exclusive Special (Excise)



Judge-II, Saharsa in connection with Nauhatta P.S. Case No. 14 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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