

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3076 of 2025**

Arising Out of PS. Case No.-327 Year-2021 Thana- MADANPUR District- Aurangabad

Rajesh Kumar Yadav @ Rajesh Yadav Son of Late Ravindra Yadav R/O-
Village- Murgara @ Murgada, Nima Anjan, P.S.- Madanpur, District-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

3 24-04-2025 It would appear from the office note dated 24.04.2025, defects as pointed by the office has been removed by way of a supplementary affidavit filed on behalf of the petitioner and is kept in the record.

2. Having perused the supplementary affidavit, it appears that due to typographical error in paragraph no. 16 of the petition, satisfaction should be learned Special Excise Judge, Court-I, Aurangabad instead of Special Judge Excise-II, Araria.

3. Learned counsel for the petitioner further mentioned in the said supplementary affidavit that the petitioner has one criminal antecedent.

4. In view of the above, learned counsel for the petitioner is permitted to make the said corrections in the present petition.



5. Heard learned counsel for the petitioner and learned APP for the State.

6. The petitioner apprehends his arrest in connection with Madanpur P.S. Case no.327 of 2021 registered under sections 30(a), 30(b), 30(c) and 33 of the Bihar Prohibition and Excise Act, 2016.

7. As per the prosecution case, a secret information having been received that the petitioner along with others involved in sale of liquor, the police party conducted raid, however, on seeing police personnel the accused managed to escape. On search, 45 liters of country liquor was recovered from plastic container along with other incriminating articles from the house of one Vijay Paswan.

8. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Only upon suspicion, the police has taken the name of petitioner as one of the persons, who had fled away from the alleged place of recovery. There was no independent witness to the seizure list and no recovery has been made from the physical or conscious possession of the petitioner or from his house. The petitioner has one criminal antecedent in which he is on bail and undertakes to cooperate in the case/trial.



9. The application for anticipatory bail is opposed by learned A.P.P. for the State.

10. In view of the entire facts and circumstances of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Madanpur P.S. Case no.327 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Court-I, Aurangabad, 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 subject to the further condition that the learned Court below shall verify the criminal antecedent of the petitioner before releasing him on bail and if, it is found that the petitioner is involved in any other cases, his bail bond shall not be accepted by the learned Court below. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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