

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86278 of 2025**

Arising Out of PS. Case No.-129 Year-2025 Thana- BENIPATTI District- Madhubani

Bajarang Kumar Yadav @ Bajrangi Yadav S/O Chhotelal Yadav R/O Village -  
Ganguli, P.S- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Gagan Deo Yadav, Advocate |
|                      | : | Mr. Ravi Prakash, Advocate    |
|                      | : | Mr. Vinod Kumar, Advocate     |
| For the State        | : | Mr. Rana Randhir Singh, APP   |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      18-12-2025                      Heard the parties.

2. The petitioner is apprehending his arrest in connection with Benipatti P.S. Case No. 129 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act and section 25(1-b)a, 26 and 35 of the Arms Act, lodged on 21.05.2025 by the informant, Shiv Sharan Shah.

3. As per the prosecution story, the Police on secret information about the movement of the accused persons, reached the place. While others managed to escape, one Vijay Yadav was arrested. He gave the name of others who escaped, including the petitioner. Later, on the confession of Vijay Yadav, the Police moved to the house of his uncle Sugni Yadav and there is recovery/seizure of country made pistol/cartridges as



also the foreign liquor 3.375 liter. This led to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that Vijay Yadav was arrested, on his confession, the house of Sugni Yadav was arrested and there are recoveries. So far as this petitioner is concerned, only because Vijay Yadav named him, got implicated. Nothing has been recovered either from his conscious possession or from his house and he do not have criminal antecedent.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that the apprehended accused Vijay Yadav named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as



also that the recovery/seizure is from Sugni Yadav, this petitioner has no criminal antecedent nor anything recovered from his house, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise, Madhubani in connection with Benipatti P.S. Case No. 129 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be



taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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