

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7105 of 2026

Arising Out of PS. Case No.-54 Year-2025 Thana- FATEHPUR District- Gaya

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Harendra Kumar S/O Chandra Yadav @ Ramchandra Yadav R/o Village -
Dharhara Kala, P.S- Fatehpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 18-02-2026 This is the second bail application being preferred by
the petitioner.

2. It has been submitted by the learned counsel for the petitioner that earlier the petitioner had filed the application for bail vide Cr. Misc. No. 52497 of 2025 and the same was allowed by order dated 12.08.2025. However, in view of the condition contained in paragraph – 6(v) with regard to verification of criminal antecedent, it was found that inadvertently complete antecedent in the bail application was not provided and hence the bail bonds of the petitioner were not accepted.

3. The learned counsel for the petitioner submits that the subsequent application for modification was disposed of with a direction to move this Court with fresh prayer for bail.

4. Heard learned counsel for the petitioner and the



learned APP for the State.

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

6. The petitioner seeks bail in anticipation of his arrest in connection with Fatehpur P.S. Case No. 54 of 2025 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

7. As per the prosecution case, total 300 liters of illicit country made liquor was recovered from the red coloured Maruti Suzuki.

8. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner and has no concern with the alleged recovery. It is also submitted that the petitioner is not the owner of the said seized vehicle. It is lastly submitted that the petitioner no. 2 has one criminal antecedent.

9. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

10. Considering the facts aforesaid, the petitioner is



directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No. 4, Gaya in connection with Fatehpur P.S. Case No. 54 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) if the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

11. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

12. The application stands allowed.

(Sourendra Pandey, J)

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