

Arising Out of PS. Case No.-57 Year-2023 Thana- KHUSRUPUR District- Patna

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1. Chhote Yadav @ Miyan Ji @ Niranjana Kumar S/O Late Ramdev Singh R/O Village- Ahayatpur, P.S.- Nagarnausa, District- Nalanda
2. Kakku Yadav @ Vinay Bhushan Prasad S/O Late Ramdev Singh R/O Village- Ahayatpur, P.S.- Nagarnausa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-03-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, namely, Kakku Yadav @ Vinay Bhushan Prasad, who during pendency of the anticipatory bail application was arrested.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.2, namely, Kakku Yadav @ Vinay Bhushan Prasad.

5. The petitioner no.1 seeks bail in anticipation of his



arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 60 litres of liquor from a gunny bag allegedly thrown by the accused persons along with 1200 kg. soaked jawa mahua was destroyed.

7. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and petitioner has no concern with the alleged gunny bag and he came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on secret information and is a person with clean antecedent.

8. Learned A.P.P. opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, above-named, in



the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Khushrupur P. S. Case No.57 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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