

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89890 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- BAGENGOLA District- Buxar

Chhotu Yadav @ Sumant Yadav @ Sumant Yadav @ Chhotu Yadav S/O
Nandji Yadav @ Nandjee Yadav R/O Village- Chhapra, P.S- Bagengola,
Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 08-01-2026 Heard the learned counsel for the petitioner and
learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Bagengola P.S. Case No. 112 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret information that the accused persons were carrying illicit liquor, the police intercepted a motorcycle and apprehended two persons, namely, Chhotu Yadav (the petitioner) and Munna Kumar. Upon search, a total of 90 litres of country-made liquor was recovered from a plastic bag.

4. The learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the present case merely on account of the fact that he carries a long list of criminal cases against his name of which four are of similar nature. It is further submitted that the petitioner has no concern whatsoever with the alleged liquor, which was not recovered from his conscious possession. It is also submitted that the petitioner is not the owner of the motorcycle from which the alleged recovery is said to have been made. The learned counsel lastly submits that the petitioner has five criminal cases and he is in custody since 19.11.2025.

5. The petitioner is willing and undertakes to deposit a sum of Rs. 5,000/- in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. The learned A.P.P. has vehemently opposed the prayer for bail.

7. Regard being had to the facts and circumstances of the case, 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 the learned court below where the case is pending/successor court in



connection Bagengola P.S. Case No. 112 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

(vi) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Buxar within fifteen days of his release with a copy of



this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Lawyers' Association Welfare Benevolent Fund.

9. Accordingly, the prayer for bail is allowed.

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

(Sourendra Pandey, J)

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