

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77415 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- JAYNAGAR District- Madhubani

Amit Kumar Yadav S/o Pradip Yadav Resident of Village- Enerwa, P.S.
Khajuri, District- Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Jaynagar P.S. Case No.238 of 2024 corresponding to G.R. No.1191 of 2024 lodged on 23.08.2024 under Sections 274, 275, 317(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution, the F.I.R. has been lodged against 3 named accused persons including the petitioner with allegation that total recovery of 270 liter of *Nepali* wine has alleged to be made from two motorcycles in which 135 liter



Nepali wine has been recovered from petitioner's motorcycle, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the said recovery of wine has not been recovered from conscious possession of the petitioner and he has been falsely implicated in the present case.

5. Learned Counsel further submits that the petitioner is not owner of the motorcycle in which the said wine has been recovered.

6. Learned Counsel further submits that petitioner is in custody since 24.08.2024 having clean antecedent.

7. Learned Counsel also submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 21.10.2024 passed in Cr. Misc. No. 73745/2024.

8. Learned counsel for the State opposes the prayer for bail and submits that the petitioner's antecedent is clean.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees



Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Addl. Sessions Judge-II, cum Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No.238 of 2024 corresponding to G.R. No.1191 of 2024, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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