

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86896 of 2024

Arising Out of PS. Case No.-495 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Dharmendra Kumar Yadav S/O Daroga Yadav Village- Ranaupur, P.S.-
Nagara, District- Baliay U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar, Adv.
For the Opposite Party/s : Mr.Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with G.B.

Nagar P.S. Case No. 495 of 2024 instituted for the offences

under Section 30(a), 34, 36, 41(1) of the Bihar Prohibition

and Excise Act.

3. As per prosecution case, the police has recovered

total 427.320 liters of illicit liquor from Scorpio vehicle. It is

alleged that the petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged liquor or the vehicle, in question. As far as mobile is concerned, the same belongs to the petitioner. The petitioner was not present at the place of occurrence and, merely on the basis of suspicion, he has been falsely implicated in the present case. The petitioner is neither owner nor driver of the alleged vehicle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.09.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent,



let the petitioner, abovenamed, be released on bail on
furnishing bail bonds of Rs.10,000/- (Ten thousand) with two
sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with G.B. Nagar P.S.
Case No. 495 of 2024.

(Rudra Prakash Mishra, J)

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