

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9182 of 2025

Arising Out of PS. Case No.-4 Year-2021 Thana- NADI P.S. District- Patna

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Mahesh Yadav @ Sadhu @ Sadhu Ray @ Raghu Nath Ray S/O Vanvari Ray
R/o Village- Saidabaad, P.S- Raghapur, Distt- Vaishali. Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Suruchi Anand, Advocate
For the State : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-02-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Nadi PS. Case No.04 of 2021 dated 05.01.2021, registered for the offences punishable under Sections 353, 420, 427, 467, 468 and 471/34 of the Indian Penal Code and Sections 30(a), 36, 41(1) and 45 of Bihar Prohibition and Excise Act, 2016.

3. As per allegation, total 4938.63 litre of foreign liquor has been recovered from some vehicles on raid by the police and some of the persons were also arrested on the spot, but name of the petitioner has transpired in the confessional statement of co-accused Rajnish Kumar @ Imli.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner was neither present on the place of occurrence, nor is he owner of the vehicle seized, nor any way involved in the alleged offence. He further submits that the prosecution case against the petitioner is based only on confessional statement of co-accused before police which has no evidentiary value. Hence, no prima facie case is made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in three other cases in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that except confessional statement of co-accused before police, there is no other material against the petitioner and such confessional statement has no evidentiary value, no *prima face* case is made out against the petitioner and hence the present petition is maintainable.

9. Considering the facts and circumstances of the case, **this petition is allowed**, directing the petitioner, above-



named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight 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 Ld. Exclusive Special Court of Excise, Patna City, in connection with Nadi PS. Case No.-04 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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