

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11802 of 2025

Arising Out of PS. Case No.-356 Year-2024 Thana- Excise P.S. District- Khagaria

PM Kumar Yadav @ Prem Kumar Son of Arvind Yadav Resident of Village -
Chukti, Ward No.-16, P.S. - Mansi, District - Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-02-2025 Heard Ms. Seema Kumari, learned counsel for the

petitioner and Mr. Nityanand Tiwary, learned APP for the

State.

2. The petitioner seeks bail in connection with

Excise PS Case No. 1469C3 of 2024 instituted for the

offences under Sections 30(a) and (f) of the Bihar

Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1

litre of cough syrup was recovered from the petitioner's hut.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. No incriminating material has been

recovered from the conscious possession of the petitioner.



The petitioner has got no concern with the alleged recovery of liquor. It is submitted that recovery is made from an open place, which is accessible to one and all. It is further submitted that the name of the petitioner has transpired on secret information. The petitioner is in custody since 05.12.2024 and has got eleven criminal antecedents. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge if not already framed* 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 Excise PS Case No. 1469C3 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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