

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11986 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- LAHERIMUHALLA District- Nalanda

Shrawan Kumar S/o- Raj Kumar Prasad Yadav @ Raj Kumar Prasad @ Raj
Kumar Yadav R/O- Village- Kantahi, P.S.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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

ORAL ORDER

2 25-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Laheri
P.S. Case No. 18 of 2025 instituted for the offences under
Sections 30(a) & 37 Bihar Prohibition and Excise Act, 2016,
Section 316(2), 318(2), 297 of the B.N.S. Act, 2023, Section
4/11 of the Bengal Gambling Act and Section 09 of the Bihar
Control of the use and play of Loud Speaker Act, 1955.

3. As per prosecution case, the police has recovered
1.125 liters of illicit English liquor from the joint possession of
the accused persons including the petitioner from the Hotel.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case with false and frivolous allegations as also due to ulterior motive and local politics. The petitioner has not committed any offence as alleged in the F.I.R. The police has registered the F.I.R. against 43 persons including the petitioner. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the seized liquor. 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 altogether 7 criminal antecedents and is languishing in judicial custody since 11.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner is named in the F.I.R.. The petitioner has seven criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner, let the petitioner, abovenamed, 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 Laheri P.S. Case No. 18 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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