

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17812 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- MADHEPUR District- Madhubani

Santosh Kumar Yadav Son of Kishun Dev Yadav Resident of Village-
Kupaha, P.S.- Ghoghardiha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Akanksha Verma, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Madhepur P.S. Case No. 188 of 2024 registered on 08.12.2024 for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, police received secret information about transportation of foreign liquor. Checking of vehicles was started and a red colour Santro Car took a detour on seeing the police party. The driver and a person sitting in the car tried to escape but the said person was apprehended and the driver fled away. The apprehended co-accused Arjun Mukhiya named the petitioner as driver of the vehicle and on search of



the vehicle 40.5 litre of foreign liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not present at the place of occurrence and he is not the driver of the vehicle. The petitioner is not even owner of the vehicle and is no way connected with the recovered illicit liquor. The name of the petitioner transpired in this case on the basis of disclosure statement of co-accused and except for the confessional statement of the co-accused, there is no other material to connect the petitioner with the offence as alleged. As no recovery has been made from this petitioner, no offence under Bihar Prohibition and Excise Act is made out against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner fled away on seeing the police party.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false



accusation, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani/ court concerned, in connection with Madhepur P.S. Case No. 188 of 2024, subject to the condition laid down under section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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