

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17662 of 2025

Arising Out of PS. Case No.-259 Year-2024 Thana- MIRGANJ District- Gopalganj

Pawan Yadav S/O Devsaran Yadav Village- Majhawalia, PS- Asaon, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Mirganj P.S. Case No. 259 of 2024 instituted for the offences under Sections 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 1062 liters of illicit country-made liquor from a car. It is alleged that the local people disclosed the name of the petitioner.

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.



The petitioner was neither arrested from the spot nor was seen at the place of occurrence and, merely on the basis of the secret information, he has been dragged in this case. The petitioner is neither driver nor owner of the alleged Scorpio vehicle. The owner of the alleged Scorpio vehicle is one Dhirendra Singh with whom the petitioner has no concern. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. 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 three criminal antecedents and is languishing in judicial custody since 23.01.2025 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.

6. 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 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 Mirganj P.S. Case No. 259 of 2024,
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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