

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21651 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- MALAHI District- East Champaran

Lalbabu Yadav S/o- Haresh Yadav Resident of Village- Rajwahi PS- Malahi,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.

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

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

ORAL ORDER

2 07-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Malahi
P.S. Case No. 97 of 2024 (Tr. No. 141 of 2025) instituted for
the offences under Section 30(a) of the Excise (Amendment)
Act, 2022.

3. As per prosecution case, the police has recovered
total 119.160 liters of illicit liquor from two motorcycles.

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 name of the petitioner has surfaced in this case in course of
investigation on the basis of the confessional statement of the



co-accused before the police which has no evidentiary value in the eye of law. The petitioner is not the owner of the alleged motorcycles. The petitioner has also no concern with the seized liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been implicated in this case only because he bears five criminal antecedents of similar nature of offence. 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 five criminal antecedents of similar nature of offences and is languishing in judicial custody since 29.12.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sanjay Kumar Yadav has been granted bail by this Court vide order dated 17.02.2025 passed in Cr. Misc. No. 8134 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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 Malahi P.S. Case No. 97 of 2024 (Tr. No. 141 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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