

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23179 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- MOHANPUR District- Gaya

Chhotu Kumar, Male, aged 22 years, Son of Kameshavar Yadav @
Kameshwar Yadav, Resident of Vill.- Manjura (Majura), P.S.- Sindhugar,
Dist.- Gaya, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Pintu Kumar Patel learned counsel
appearing on behalf of the petitioner and Ms. Asha Devi,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mohanpur P.S. Case No. 22 of 2025 registered for the
offence(s) punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 44 litres of
illicit liquor was recovered from a motorcycle which was
standing near the house of co-accused Vikash Kumar who along
with other co-accused Krishna Kumar were arrested on the spot,
while petitioner allegedly managed to flee away. Apprehended
co-accused Krishna Kumar disclosed the name of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value. Petitioner is neither the owner of the seized motorcycle nor he has any connection with the alleged recovered liquor. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and also the fact that petitioner has clean antecedent, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.V, Gaya / Concerned Court in connection with /Mohanpur P.S. Case No. 22 of 2025, subject to the conditions as laid down



under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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