

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22763 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- DURAULI District- Siwan

1. Vijay Yadav S/o- Mukhvair Yadav Resident of Village - Bhopatpura, P.S. - Mairwa, District - Siwan
2. Balistar Kumar @ Balistar Kr. S/o- Srikant Ram Resident of Village - Kabirpur, P.S. - Mairwa, District - Siwan
3. Sandeep Kumar S/o- Virendra Rawat Resident of Village - Gandharpa, P.S. - Nautan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Darauli P.S. Case No. 42 of 2025, instituted for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 414.720 liters liquor was recovered from Scorpio car and motorcycle and the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners



have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the petitioners have got no concern with the car in question. Petitioner no. 1 is registered owner of the motorcycle in question. The petitioners are in custody since 22.02.2025. Petitioner nos. 1 and 2 have got no criminal antecedent, petitioner no. 3 has got one criminal antecedent in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let petitioner no. 1 be released on bail *after framing of charge, if not already framed* and petitioner nos. 2 and 3 be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Darauli P.S. Case No. 42 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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