

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24664 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- SAHARGHAT District- Madhubani

Nitish Yadav @ Nitish Kumar Yadav S/o Satrugan Yadav R/o Village-
Kerwa, P.S.- Saharghat, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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

ORAL ORDER

2 22-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with G.R.
No. 78 of 2025 arising out of Saharghat P.S. Case No. 07 of
2025 instituted for the offences under Sections 274, 275, 3(5) of
the Bhartiya Nyaya Sanhita and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered
total 135 liters of illicit Nepali liquor from the motorcycle.

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.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner or from his premises. The petitioner is not the owner of the seized motorcycle. The petitioner has no concern with the seized liquor. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused Radhey Yadav before the police which has no evidentiary value in the eye of law. 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 one criminal antecedent and is languishing in judicial custody since 05.03.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Radhey Yadav has been granted bail by this Court vide order dated 25.02.2025 passed in Cr. Misc. No. 12086 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 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 G.R. No. 78 of 2025
arising out of Saharghat P.S. Case No. 07 of 2025.

(Rudra Prakash Mishra, J)

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