

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26616 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- RAJAOLI District- Nawada

Diwakar Yadav @ Diwakar Kumar S/O Karu Yadav Resident of Village-
Barwa, P.S.- Rajouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

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

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Rajouli P.S. case No. 40
of 2025 instituted for the offences under Section 111 of
Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 750 liters
liquor was recovered from five motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered
from the conscious possession of the petitioner. The petitioner
has got no concern with the alleged recovery of liquor. It is
further submitted that motorcycles do not belong to the



petitioner. The petitioner was not apprehended on spot. The name of the petitioner has transpired on the basis of disclosure made by co-accused. The petitioner is in custody since 22.03.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023. Co-accused has been granted bail by this Bench vide order dated 03.03.2025 passed in Cr. Misc. No. 13677 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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

7. Let the petitioner 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 Rajouli P.S. case No. 40 of 2025.

(Rudra Prakash Mishra, J)

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