

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26902 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Vivek Sriniwas Yadav @ Vivek Yadav S/O Sriniwas Yadav @ Shri Shivjati Yadav R/O Village- Kalyanpur, P.S- Durgawati, Dist.- Kaimur at Bhabua, at present reside in B-208, Chandradeep Apartment, Land Mark near Laxmi Mandir, Om Nagar Vasai West Distt- Thane, Maharashtra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Durgawati P.S. Case No. 391 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 36 liters liquor was recovered from motorcycle.

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. Learned counsel



for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case as being owner of the motorcycle in question and he had no knowledge regarding the nature of goods carried by the co-accused persons in his vehicle. The petitioner is in custody since 23.03.2025 and has got no criminal antecedent. 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Durgawati P.S. Case No. 391 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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