

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31864 of 2025

Arising Out of PS. Case No.-308 Year-2022 Thana- Excise P.S. District- Madhepura

Prabhash Kumar S/o Rudra Nand Yadav @ Rudra Narayan Yadav R/o
Bhelwa, Ward No. 02, P.S.- Gamahariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Excise P.S. Case No. 308 of 2022 registered for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on receipt of information about co-accused Sunil Kumar and others being involved in storage of illicit liquor, a raid was conducted at the identified place and co-accused Sunil Kumar was apprehended. From the spot recovery of 270 litres of country made liquor was made. The apprehended co-accused disclosed the name of the petitioner as his associate.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. Except for confessional statement of co-accused there is no material against the petitioner to connect him with the offence as alleged. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not apprehended from the spot and there is no allegation that he fled away from there. The petitioner is having antecedent of one case and bail petition is pending before this Court.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that nothing incriminating has been recovered from the conscious possession of this petitioner and his name transpired in confessional statement of co-accused and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -VII -cum- Exclusive Special Judge, Excise – 02,



Madhepura/concerned court in connection with Excise P.S. Case
No. 308 of 2022, subject to the condition as laid down under
Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close
relative of the petitioner.
- (ii) The petitioner will remain present
on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

