

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29145 of 2025

Arising Out of PS. Case No.-560 Year-2024 Thana- NOORSARAI District- Nalanda

1. Birmani Yadav @ Birmani Kumar S/O Nawal Yadav R/O Malbigha, P.s.- Noorsarai, Dist.- Nalanda
2. Binda Yadav @ Binda Kumar S/O Nawal Yadav R/O Malbigha, P.s.- Noorsarai, Dist.- Nalanda
3. Nawal Yadav S/O Late Ishwar Yadav R/O Malbigha, P.s.- Noorsarai, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend arrest in connection with Noorsarai P.S. Case No. 560 of 2024, registered under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 75 liters liquor was recovered from *dalan* of co-accused Soni Devi.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no concern with the



alleged recovery of liquor. Learned counsel for the petitioners also submits that the petitioners were neither present at the place of occurrence nor the place belong to the petitioners. Name of the petitioners have transpired in this case on the basis of confessional statement of co-accused person and the same has got no evidentiary value. Petitioner nos. 1 and 3 have got no criminal antecedent and petitioner no. 2 has got one criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by this Court vide order dated 20.02.2025 passed in Cr. Misc. No. 9640 of 2025. 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, let the petitioners, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 Noorsarai P.S. Case No. 560 of 2024, subject to the conditions as laid down under



Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita,
2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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