

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29942 of 2025

Arising Out of PS. Case No.-164 Year-2024 Thana- AMBA District- Aurangabad

Sanjay Yadav S/o Jhaman Yadav R/o Village- Dhanu Bigha, P.S.- Risiup,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Amba
P.S. Case No. 164 of 2024, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Earlier vide order dated 03.12.2024 passed in Cr.
Misc. No. 67320 of 2024, anticipatory bail of the petitioner was
allowed by a Co-ordinate Bench of this Court with a direction to
the Court below to verify the criminal antecedent of the
petitioner as stated in paragraph no. 3 of the bail application. If
any other case is pending against the petitioner as what has been
stated in paragraph no. 3, the order will loose its force
automatically. Further, it appears that the Court below, after
verification, has found that the petitioner bears two criminal



antecedents, accordingly, the bail bonds of the petitioner was not accepted.

4. The prosecution case, in short, is that, 137.16 liters liquor was recovered from car and bushes.

5. 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 is not named in the FIR. Name of the petitioner has transpired in this case only on the basis of suspicion. It is further submitted that the petitioner has got no concern either with the alleged place of recovery or with the car. The alleged recovery has been made from an open place which is easily accessible to public at large. The petitioner is in custody since 16.04.2025 and has got two criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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.

8. 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 Amba P.S. Case No. 164 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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