

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30790 of 2025

Arising Out of PS. Case No.-274 Year-2023 Thana- PHULWARIYA District- Gopalganj

Nitesh Yadav @ Nitish Yadav, Male, aged about 22 years, S/o Haresh Yadav,
R/o Village- Bhagwan Tola, PS- Uchkagaon, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party : Mrs. Pronoti Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 274 of 2023 dated 31.07.2023
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 604.800 litres of
foreign liquor was recovered from the Scorpio Vehicle.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the
present case. The petitioner was not arrested on the spot. His
name has surfaced in the present case only on the basis of the
disclosure made by local residents. No incriminating article has



been recovered from the possession of the petitioner. The petitioner is neither the owner nor the driver of the said Scorpio nor he has any connection with the seized liquor. He has no concern with the alleged offence. The other co-accused person, namely, Ashish Yadav, has already been granted bail by a Bench of this Court in Cr. Misc. No. 80721 of 2023 vide order dated 11.01.2024. The petitioner has four criminal antecedents and in two cases he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 04.02.2025.

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

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 274 of 2023 with further condition:-

I. The petitioner is directed to remain physically present before the learned



court below on each and every date,
failing which on two consecutive dates
without reasonable cause, the bail bonds
of the petitioner are liable to be
cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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