

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31515 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- CHAORI District- Bhojpur

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1. Avinash Yadav S/O Late Chandrashekhar Yadav @ Late Chadrashekhar Singh Resident of Village - Sagra, Police Station- Rajpur, District- Buxar.
 2. Prince Yadav S/O Upendra Yadav Resident of Village- Rasulpur, Police Station - Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Chauri P.S. Case No. 51 of 2025, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 130.2 liters liquor was recovered from car and petitioner no. 2 was apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor.



Learned counsel for the petitioners also submits that the petitioners are not the owner of the car in question. Petitioner no. 1 was not present at the place of occurrence. Name of petitioner no. 1 has transpired on the basis of confessional statement of petitioner no. 2 and the same has got no evidentiary value. The petitioners are in custody since 04.04.2025. Petitioner no. 1 has got one criminal antecedent in which he is on bail and petitioner no. 2 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on 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 Chauri P.S. Case No. 51 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.



(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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