

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31201 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- BARUN District- Aurangabad

Santosh Yadav @ Santosh Kumar Yadav, S/O Kuldeep Yadav @ Vishwanath Yadav, Resident of Vill- Keshav Market, Bhuian Toil, P.S- Barun, Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 32722 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- BARUN District- Aurangabad

Ranjit Kumar Yadav, S/o Kuldeep Yadav @ Brihaspat Yadav, R/o Village- Keshav Market, Bhuian Tolil, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 31201 of 2025)
For the Petitioner/s : Mr. Adarsh Singh, Advocate
For the Opposite Party/s : Mr. Nand Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 32722 of 2025)
For the Petitioner/s : Mr. Adarsh Singh, Advocate
For the Opposite Party/s : Mrs. Asha Devi, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Considering the fact that both the matters are arising out of the same P.S., thus they are being heard together and disposed off by this common order.

2. Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the



State.

3. The petitioners apprehend their arrest in connection with Barun P.S. Case No. 193 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

4. In course of patrolling, the police received a secret information regarding unloading of liquor from train and thereafter selling it by the co-accused; raided the house of the co-accused and apprehended two persons. In course of search, total 25.4 litres illicit liquor was recovered. The apprehended person disclosed the name of the petitioners and others engaged in unloading of the liquor from train.

5. Learned Advocate appearing on behalf of the petitioners submitted that save and except the confessional statement of the co-accused that too before the police, there is no substantive material suggesting the complicity of the petitioners in the crime. In fact, the reason for false implication of the petitioner in Criminal Miscellaneous No. 31201 of 2025 is said to be one criminal antecedent of identical nature as has been disclosed in paragraph no. 3. It is further submitted that the petitioner in Criminal Miscellaneous No. 32722 of 2025 bears fair antecedent. The petitioners have neither any concern with



the co-accused persons from whose house the recovery has been made, nor during the course of investigation any recovery has been made from the whereabouts of the petitioners. There are various other infirmities in the search and seizure, as has also been pointed out by the learned Advocate for the petitioners.

6. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that one of the petitioner is carrying a criminal antecedent of identical nature.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confession and disclosure, there is no material attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, apart from infirmities in search and seizure let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1, Aurangabad(Bihar) in connection with Barun P.S.



Case No. 193 of 2025, subject to the conditions laid down in
Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023
with the further condition that one of the bailors shall be the
own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

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