

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31944 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- SAHARGHAT District- Madhubani

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Ajay Kumar Yadav S/o Rajgir Yadav R/o Village- Gehumi (Mabbi), P.S.-
Mabbi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate Mr.Ravi Prakash, Advocate Mr.Udeshya Kumar Yadav, Advocate
For the Opposite Party/s :		Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Saharghat P.S. Case No. 18/2025 registered for the offences
under Sections 274, 275 and 3(5) of B.N.S. and Section 30(a) of
Bihar Prohibition and Excise Act.

3. As per the prosecution case, on 24.02.2025, while
the informant and other police officials were conducting vehicle
checks, the informant stopped a tempo and on seeing the police,
the person in the tempo tried to flee but he was apprehended and
disclosed his name as Ajay Kumar Yadav (petitioner). Upon
search, a total of 135 liters of Nepali liquor were recovered from
the said tempo.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely because he was present in the tempo from which 135 liters of Nepali liquor were recovered. Learned counsel further submits that the petitioner is neither the owner nor the driver of the said tempo. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 25.02.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended with huge quantity of Nepali liquor.

6. Considering the aforesaid facts and circumstances of the case and taking into account that nothing has been recovered from the conscious possession of the petitioner, let the petitioner above-named be enlarged on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions-II-



cum-Special Judge, Excise Act, Madhubani in connection with
Saharghat P.S. Case No. 18/2025 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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