

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31458 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- RISIYAP District- Aurangabad

Yashwant Kumar @ Yashwant Mehta @ Jaswant Mehta S/O Triveni Mehta @
Triveni Mehata R/o and PS- Risiup, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Risiup P.S. Case No. 43 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a tip off trafficking of illicit wine conducted a raid. However noticing the police party, person, who was present there, succeeded in fleeing away, after leaving his sack. In course of search, total 12 litres of country made liquor was recovered.

4. Learned Advocate for the petitioner contended that save and except the disclosure made by the local Chowkidar, there is no material suggesting the complicity of the petitioner in the crime. Admittedly, the alleged recovery has been made from



an open place easily accessible to all. The identification of the petitioner by the local Chowkidar also appears to be doubtful. The reason behind false implication of the petitioner is said to be one criminal antecedent as has been disclosed in paragraph-3 of the application. There are various infirmities in search and seizure, inasmuch as, non compliance of Sections 103 and 105 of the BNSS. The petitioner undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the court.

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that the petitioner was identified by the local Chowkidar.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the local Chowkidar, there is no material suggesting the complicity of the petitioner in the crime; moreover the alleged recovery has been made from an open place, apart from the fact that no material has collected which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of his 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 Special Judge, Excise Court No. II, Aurangabad in connection with Risiup P.S. Case No. 43 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)

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