

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31841 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- LADANIA District- Madhubani

Nitish Kumar Yadav S/O Ram Babu Yadav R/O Village- Padma Datta Tole,
P.S- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Ladaniya P.S. Case No. 42 of 2025 for the offences under Sections 274 and 275 of B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, a secret information was received about smuggling of liquor through two motorcycles. Police laid a trap but the drivers of two motorcycles fled away leaving behind their motorcycles. From a sack loaded on the first motorcycle, recovery of 62.700 litres of Nepal made country made liquor was made. From the second motorcycle, recovery of 52.500 litres of Nepal made country made liquor, 7.500 litres of foreign liquor and 10 litres of beer were made. The local chaukidar identified one of the escaped



miscreants as the present petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the seized motorcycle and he has been falsely implicated at the instance of Chaukidar who is of the same village as of petitioner. Nothing incriminating has been recovered from the person or possession of the petitioner and he is neither the owner nor the driver of the motorcycle. There is no independent witness to the seizure and the petitioner is having antecedent of two cases of similar nature but in both the cases he has been named by the Chaukidar.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner was identified by the local Chaukidar and recovery of 62.700 litres was made from the motorcycle being used by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani/concerned court in connection with Ladaniya P.S. Case No. 42 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

7. However, before accepting the bail bonds of the petitioner, the learned trial court will verify the ownership of the seized motorcycle and if it is found that the motorcycle belongs to the petitioner or any of his relatives, the bail bonds will not be accepted.

(Arun Kumar Jha, J)

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