

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33303 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- DUMARIAGHAT District- East
Champaran

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Sanjay Yadav Son of Yogi Ray, R/o Vill- Huseni / Husaini, P.S.- Dumariya
Ghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection
with Dumariya Ghat P.S. Case No. 08 of 2025 dated 11.01.2025
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution story, 100 litres of illicit
country made liquor has been recovered from the house of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to ulterior motive of local police / chowkidar. Nothing
has been recovered from the conscious possession of the



petitioner and petitioner has no concern with the alleged recovery. Although, the alleged recovery has been made from the house of the petitioner, but petitioner is not the exclusive owner of the house in question, rather the same is a joint property. Petitioner has falsely been implicated in this case due to disclosure made by local chowkidar. Petitioner's name has falsely been implicated in this case merely to harass him. Petitioner claims clean antecedent as mentioned in paragraph no. 3 of the bail petition. There is non-compliance with mandatory procedure prescribed for recovery under Section 103 / 103(4) of BNSS, 2023. Petitioner is in custody since 22.03.2025. He lastly submits that after completion of investigation, chargesheet has been submitted against the petitioner.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case as well as petitioner's period under custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed as yet**. Accordingly, let the petitioner, above-named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court -III / Concerned Court, Motihari, East Champaran, in connection with **Dumariya Ghat P.S. Case No. 08 of 2025**, on further conditions:

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

(ii) Petitioner shall cooperate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Shahnawaz/-

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