

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36959 of 2025

Arising Out of PS. Case No.-210 Year-2024 Thana- BARGAINIA District- Sitamarhi

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Guddu Kumar @ Guddu Yadav @ Guddu Rai son of Mahendra Yadav @
Mahendra Rai Resident of Village -Masaha Alam, ward no 03, PS- Bairgania,
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 11.12.2024 passed in Cr. Misc. No. 81887 of 2024.

3. The petitioner seeks bail in connection with
Bairgania P.S. Case No. 210 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

4. As per prosecution case, the police has recovered
total 69.6 liters of illicit Nepali liquor kept in two plastic sacs.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the seized liquor or the alleged motorcycle. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the local spy and Chowkidar. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has altogether 11 criminal antecedents and is languishing in judicial custody since 28.03.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has eleven criminal antecedents of similar nature of offences.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Bairgania P.S. Case No. 210 of 2024,
subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family
members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall
be properly represented on each and every date fixed by the
court and shall remain physically present as directed by the
Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(Rudra Prakash Mishra, J)

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