

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36900 of 2025

Arising Out of PS. Case No.-79 Year-2022 Thana- DEV District- Aurangabad

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Birendra Yadav @ Birendra Kumar son of Kamlesh Yadav Resident of
village- Kanchanpur, PS- Deo, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Advocate
		Ms. Leelawati Kumari, Advocate
For the Opposite Party/s :		Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-06-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dev P.S. Case no.79 of 2022 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 74.4 litres of liquor was recovered from the motorcycle in question. It is stated that while the petitioner managed to escape, co-accused Sonu Kumar was arrested at the spot.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No incriminating article has been recovered either from the petitioner's possession or from the motorcycle in question. Co-accused Sonu Kumar has been enlarged on bail vide order



dated 22.11.2022 passed in Cr. Misc. no.51979 of 202. The application for anticipatory bail of the petitioner having been rejected, the petitioner surrendered and he is in custody since 14.5.2025. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., grant of bail to co-accused Sonu Kumar vide aforesaid order dated 22.11.2022, the petitioner being in custody since 14.5.2025 and not having any antecedent under the Bihar Prohibition and Excise Act, 2016, the petitioner is directed to be enlarged on bail in connection with Dev P.S. Case no.79 of 2022, 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 Judge-cum-Exclusive Special Judge Excise Court no.1, Aurangabad.

(Partha Sarthy, J)

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