

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39683 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- MAJHAULIA District- West Champaran

Binod Yadav @ Vinod Yadav S/O Bhagawat Yadav R/O Ahewar Sheikh,
Khajurbani Tola, Ward no. 3, Prem Nagar, P.s.- Majhauiliya, Dist.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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

ORAL ORDER

2 24-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Majhauiliya P.S. Case No. 140 of 2025 instituted for the offences
under Sections 30(a), 41(1) of the Bihar Prohibition and Excise
Act.

3. As per prosecution case, the police has recovered
total 8.820 liters of illicit foreign liquor near canal.

4. 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.
The petitioner was not apprehended on the spot and, as such,
nothing incriminating has been recovered from his conscious



possession. Local people have disclosed the name of the petitioner. The place of occurrence does not belong to the petitioner rather the same is an open place, accessible to one and all. The petitioner has no concern with the seized liquor. 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 six criminal antecedents and is languishing in judicial custody since 21.04.2025 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. 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 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 Majhauriya P.S. Case No. 140 of 2025, 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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