

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43662 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- MADHEPURA District- Madhepura

1. Ganesh Kumar @ Ganesh Prasad Yadav S/O Late Bindeshawari Yadav R/O Village- Kantahi Temabhelwa, Ward No.5, P.S.- Gwalpara, District- Madhepura, presently residents of Bhirkhi, Green Park, Ward No. 21, P.S- Madhepura, Distt.- Madhepura.
2. Hemant Kumar Azad S/O Ganesh Kumar @ Ganesh Prasad Yadav R/O Village- Kantahi Temabhelwa, Ward No.5, P.S.- Gwalpara, District- Madhepura, presently residents of Bhirkhi, Green Park, Ward No. 21, P.S- Madhepura, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2025 Heard the parties.

2.The petitioners are not named in the F.I.R.

and apprehending their arrest in connection with

Madhepura P.S. Case No. 90 of 2025 registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act.

3. The allegation against the petitioners is to be

engaged in illegal trading / manufacturing of illicit liquor,

where, there is recovery of 4335.48 litres of IMFL /



country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioners the name of petitioner transpired during the course of investigation on the basis of confessional statement one Ganesh Prasad Yadav, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 14798 of 2025 vide order dated 28.03.2025. While concluding arguments, it is submitted that above named petitioners are men of clean antecedent.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of above-named petitioners where petitioners are men of clean antecedent, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge V cum Special Judge (Excise-1), Madhepura/concerned Court, where the case is pending in connection with Madhepura P.S. Case No. 90 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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