

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47649 of 2025

Arising Out of PS. Case No.-176 Year-2025 Thana- Excise P.S. District- Araria

Kundan Kumar Yadav @ Kundan, aged about 26 years (M), S/o Vijay Yadav,
Resident of village- Diwanganj, Ward No 04, Police Station-Diwanganj,
District- Sunsari (Nepal)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party : Mrs. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 21-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Araria
Excise P.S. Case No. 176 of 2025 dated 03.06.2025 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 216 litres of
Nepali country made liquor was recovered from the two
motorcycles in question.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted that no incriminating article has been
recovered from the possession of the petitioner. The petitioner



has no concern with the alleged seized liquor and motorcycles in question. It is further submitted that on the alleged date of occurrence, the petitioner was returning from his relative at Narpatganj after attending a family function and when he saw the alleged occurrence, he stopped there and in the meantime, police arrested him. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.06.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria in connection with Araria P.S. Case No. 176 of 2025.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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