

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51164 of 2025**

Arising Out of PS. Case No.-141 Year-2025 Thana- SALIMPUR District- Patna

Birendra Yadav S/o Baleshwar Yadav, Resident of Village- Bachhedih, P.S-  
Nawal Shahi, District- Koderma Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

4      11-09-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Salimpur P.S. Case No.141 of 2025 instituted under Section  
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information  
that a 12 wheeler truck loaded with stone chips in which foreign  
liquor was hidden under the stone chips is coming from  
Bakhtiyarpur, the police team conducted a raid and recovered  
3106.65 litre illicit foreign liquor from the truck bearing  
Registration No. JH-12G-5818 and the petitioner who was  
driving the truck tried to flee away on seeing the police but was  
apprehended on the spot.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this



case due to ulterior motive. He further submits that the alleged seized liquor does not belong to the petitioner. Learned counsel submits that there is no compliance of mandatory provisions of law in search and seizure. He further submits that petitioner has no criminal antecedent and he is in judicial custody since 30.05.2025.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner and submits that 3106.06 litre foreign liquor has been recovered from the truck and petitioner is owner and driver of the said truck. Therefore, the petitioner does not deserve the privilege of bail.

6. Considering submissions made on behalf of the parties, facts and circumstances of the case and the fact that huge quantity of foreign liquor has been recovered from the truck of the petitioner which was driven by him, this Court is not inclined to enlarge the petitioner above-named on bail. Accordingly, the prayer of bail of the petitioner is rejected.

**(Sunil Dutta Mishra, J)**

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