

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57824 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- Haraiya District- East Champaran

Kumod Yadav @ Kamod Yadav @ Kamod Kumar Yadav S/O Late Jaykishun Yadav R/O Village- Shankar Saraiya Parsauna, P.S- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-08-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Haraiya PS Case No. 21 of 2024 instituted for the offences under Sections 318(4), 338, 336(3), 340(2) & 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 30(a), 41(i), 31, 33, 38 & 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 4000 liters spirit was recovered from godown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused, namely,



Awadhesh Kumar Srivastava. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 07-07-2025 and has got ten criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused have been enlarged on regular bail by this Court vide order dated 29-04-2025, passed in Cr. Misc. No. 27572 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Haraiya PS Case No. 21 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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