

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60632 of 2025

Arising Out of PS. Case No.-1808 Year-2024 Thana- Excise P.S. District- East Champaran

Kumod Yadav @ Kumod Kumar Yadav @ Kamod Kumar Yadav, aged about 30 years (M), S/o Late Jaikishun Yadav @ Late Jaikishun Prasad Yadav, R/o Village - Parsauna, P.S - Turkauliya, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-09-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 1808 of 2024 dated 22.10.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (Amended) Act, 2018.

3. As per the prosecution case, total 1000 litres of spirit was recovered from Mahindra Bolero Pick-up vehicle.

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 the petitioner was not arrested on the spot. His name has surfaced in the present case on the basis of the confessional statement of the apprehended co-accused



persons, namely, Udesb Kumar and Arjun Kumar who are the driver and co-driver of the said Pick-up vehicle which has got no evidentiary value in the eyes of law. It is further submitted that the petitioner is neither the owner nor the driver of the seized Pick-up vehicle. The petitioner has also no connection with the seized illegal liquor which has been recovered from the Pick-up vehicle. The petitioner has no concern with the alleged offence as well as the arrested co-accused persons Udesb Kumar and Arjun Kumar. No incriminating article has been recovered from the possession of the petitioner. There is no statutory compliance of Sections 100(4)(6) of the Cr.P.C. It is further submitted that the other co-accused persons, namely, Arjun Kumar and Udesb Kumar @ Udesbha Kumar have already been granted bail by a Bench of this Court in Cr. Misc. No. 86036 of 2024 vide order dated 09.01.2025 and in Cr. Misc. No. 87002 of 2024 vide order dated 18.01.2025, annexed as Annexure-3 and 3/1 respectively to the present bail application. The petitioner has eleven (11) criminal antecedents and in all the cases he is on bail as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 11.07.2025.

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 Excise Court No. -02, Motihari, East Champaran in connection with Excise P.S. Case No. 1808 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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