

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61961 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- Excise P.S. District- Nawada

Sandeep Kumar S/O Uday Prasad Yadav R/O Village- Pahwachak, P.S.-
Rajauli, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 238 of 2025, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, recovery of 7 litre of illicit *chulai* liquor was made from the motorcycle of the petitioner being driven by co-accused Vijay Prasad.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner has given the motorcycle to co-accused for some work but he used it for transporting illicit liquor. The



petitioner has been made accused in this case merely because of the fact that he is the owner of the motorcycle. Nothing incriminating has been recovered from conscious possession of this petitioner. The petitioner is in custody since 28.07.2025 and he has three criminal antecedents.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that co-accused was apprehended driving the motorcycle and carrying illicit liquor and no recovery has been shown from the conscious possession of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Nawada/concerned court, in connection with Excise P.S. Case No. 238 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on



each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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