

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63921 of 2025**

Arising Out of PS. Case No.-672 Year-2025 Thana- GAYA MUFASIL District- Gaya

Nitish Kumar @ Surya Yadav, S/o Virendra Yadav @ Birendra Yadav, R/o
Village- Kenarchatti, PS- Wazirganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 23-09-2025 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 Muffasil P.S. Case No. 672 of 2025 registered for the alleged offence under Section 30 (a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, from the tempo driven by the petitioner, recovery of 300 liters of country made *mahua* liquor was made.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the seized liquor. Though the petitioner is the driver of the offending vehicle but is not the owner of the said vehicle. The liquor recovered from



the said vehicle belongs to the passenger, who fled away on seeing the police party. In fact, nothing incriminating has been recovered from the person/possession of the petitioner. The petitioner is having clean antecedent and is in custody since 12.07.2025.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the recovery from a vehicle to which the petitioner is said to be the driver and further considering the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya, in connection with Muffasil P.S. Case No. 672 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(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)

V.K.Pandey/-

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