

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64186 of 2025

Arising Out of PS. Case No.-383 Year-2025 Thana- PURNEA SADAR District- Purnia

Bhavishya Kumar Yadav @ Bhavish Kumar Yadav S/o Rajendra Prasad R/o
vill - Mochanavaran, P.S.- Katoriya, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-11-2025 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Sadar P.S. Case No. 383 of 2025, instituted for the offences punishable under Sections 111(i)(ii), 338, 336(3) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 30(a), 36 and 41(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 4278.18 liters liquor was recovered from three vehicles out of which 4089.06 liters liquor has been recovered from the vehicle of the petitioner. The petitioner was apprehended on spot.

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



present case. Charge-sheet has been submitted in this case. 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. Learned counsel for the petitioner also submits that the petitioner is not owner of the said vehicle in question rather he was driver of that vehicle and has got no knowledge with regard to the nature of goods loaded in that vehicle. The petitioner is in custody since 31.07.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 22.09.2025 passed in Cr. Misc. No. 63029 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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 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. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like



amount each to the satisfaction of Court below/concerned Court in connection with Sadar P.S. Case No. 383 of 2025, 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)

Rajorshi/-

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