

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66750 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- KESARIA District- East Champaran

1. Shailendra Yadav @ Shailendra Kumar S/o Late Chhabila Rai, Resident of village- Kadhan Ward No. 10, P.S.- Kesariya, Distt.- East Champaran.
2. Niraj Kumar Yadav S/o Sri Narayan Rai @ Sri Narayan Ray, Resident of village- Kadhan Ward No. 10, P.S.- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

Mr. Harsha Shashwat, Advocate.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend arrest in a case registered under Sections 274, 275 of B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 62.100 litre illicit foreign liquor and 42 litre country made liquor from the Magix Pickup bearing Registration No. UP-51BT-8568 and the co-accused Himanshu Singh was apprehended on the spot who disclosed that the said liquor was to be delivered to petitioners and other persons.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case only on the basis of disclosure statement made by the co-accused Himanshu Singh. He further submits that the petitioners



were not present on the spot and no incriminating article has been recovered from their conscious or constructive possession. Learned counsel submits that petitioners are not the owner of the seized vehicle and they have no concern either with the alleged seized liquor or with the co-accused persons and the disclosure is made with ulterior motive. He further submits that petitioners have got clean antecedent and they undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Kesariya P.S. Case No.322 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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