

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66434 of 2025

Arising Out of PS. Case No.-435 Year-2025 Thana- Excise P.S. District- Siwan

Ajay Kumar Yadav S/o Motilal Rai @ Motilal Prasad Yadav @ Motilal Ray
R/o Village - Dipau, P.S - Kotwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Siwan Excise P.S. Case No. 435 of 2025 registered for the alleged offences Section 30(a), 32(3) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, from a truck being driven by the petitioner, recovery of 432 liters of India made foreign liquor was made. The petitioner disclosed the name of co-accused, Dhananjay Yadav, the owner of the truck, who instructed him to bring the consignment from UP.

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



case. The petitioner is the driver of the said truck and he has no knowledge about the recovered article which was kept in the truck. The petitioner, being the driver, had been following the instruction of his owner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The search and seizure has been made in contravention of the mandatory provisions of law and there is utter violation of Section 103 of BNSS. The petitioner is having clean antecedent and is in custody since 30.06.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent, the petitioner above named 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. II, Siwan/court concerned in connection with Siwan Excise P.S. Case No. 435 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.

(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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