

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66869 of 2025

Arising Out of PS. Case No.-237 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Prakash Yadav Aged 34 years S/o Talo Yadav R/o Village- Parsatri, PS-
Chauparan, Distt.- Hazaribagh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv

For the Opposite Party/s : Mr.Manoj Kumar, Adv

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

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

2. The petitioner is in custody in connection with
Excise (Sherghati) P.S Case No. 237 of 2025 registered for the
offences punishable under Sections 30(a), 32(3) and 48 of Bihar
Prohibition and Excise Act.

3. As per allegation in the FIR, there is a recovery of
175 litre of country made liquor from the motorcycle bearing
Engine No. HA11EVMHA00525.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that petitioner has nothing to do with the alleged liquor
which was recovered from the alleged Motorcycle. Moreover,



petitioner is neither the driver nor the owner of the said motorcycle bearing Engine No. HA11EVMHA00525. He further submits that nothing has been recovered from the conscious possession of the petitioner and there is no independent witness to the seizure list. He also submit the petitioner was not arrested from the spot. He further submits that petitioner is in custody since 10.08.2025 having one antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 25.08.2025, it appears that nothing has been recovered from the conscious possession of the petitioner and petitioner possesses clean antecedent. Moreover, there is no independent witness to the seizure list. So, considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner 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. 03, Gaya in connection with Excise (Sherghati) P.S. Case No. 237 of 2025.

(Ramesh Chand Malviya, J)

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