

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70339 of 2025

Arising Out of PS. Case No.-268 Year-2025 Thana- OBRA District- Aurangabad

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Kallu @ Dhirendra Yadav S/O Gobardhan Yadav R/O Village- Mahadewa,
Tejpura, P.S.- Obra, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-10-2025 Heard Ms. Rupa Kumari, learned counsel appearing

on behalf of the petitioner and Mr.Kumar Ranjit Ranjan, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Obra P.S. Case No. 268/25 registered for the offence(s)
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the allegation made in the FIR, 40. litres of
illicit liquor was recovered from a motorcycle bearing
Registration No.BR26T2998.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Learned counsel informs
that petitioner has given specific information in paragraph no.7



of the bail application that the vehicle in question is not registered in his name. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value. Petitioner has one criminal antecedent of similar nature, in which he is on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR, the learned District Court is directed to call for a report from the District Transport Officer concerned with respect to the actual owner of the motorcycle. In that case, the District Transport Officer is directed to submit the report before the learned District Court well within a period of one week. On the basis of report, the learned District Court is directed to verify, as to whether, the vehicle is a stolen one or not and whether it is not registered in the name of the petitioner. **If it is found that the motorcycle is not registered in the name of the petitioner and not a stolen one, then in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the**



learned District Court within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Aurangabad, Bihar / Concerned Court in connection with Obra P.S. Case No. 268/25, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

8. Further, it is made clear that in case it is found that the vehicle in question is stolen one, then in that case also, this order will automatically lose its force, considering the past criminal antecedent of the petitioner of similar nature.

(Purnendu Singh, J)

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