

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71597 of 2025

Arising Out of PS. Case No.-126 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Ajay Yadav @ Ajay Kumar Yadav, S/O Ram Narayan Yadav, R/O Village-
Phulparas, Ward No.10, P.S- Phulparas, District - Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Jhanjharpur P.S. Case No. 126 of 2025 registered for the offences punishable under Sections 30 (a), 32(1), 32(3) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner of being involved in the trade of illicit liquor. In course of checking of vehicles, one Tempo was intercepted. The driver of the Tempo disclosed the name of the petitioner as consigner of the illicit liquor. On search, total 198 litres of illicit liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the Tempo, in question, nor with the recovered illicit liquor. Only on account



of his past criminal antecedent of identical nature, as has been disclosed in para. 3 of the bail application, his name has been implicated in this case. Save and except the disclosure made by the apprehended person, that too before the police, which has no evidentiary value, there is no other material suggesting the complicity of the petitioner in the crime. Besides the aforesaid submission, various other infirmities in the search and seizure has also been pointed out. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the petitioner appears to be a habitual offender.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and considering the fact that save and except the disclosure made by the co-accused person, no material has been collected during the course of investigation, suggesting the complicity of the petitioner in the crime; besides the lack of sufficient materials attracting the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court



below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act), Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 126 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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