

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74081 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- Baijnathpur District- Saharsa

Harishankar @ Aditya Anand @ Aditya @ Ady Son of Bijendra Yadav @
Vijendra Kumar Yadav Resident of Ward No.- 15, village - Sahmaura, P.S.-
Sonbarsa Raj, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Raj, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Baijnathpur PS Case No. 35 of 2025 instituted for the offences
under Section/s 30(a) & 41 of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that 60 liters
Wiscodin cough syrup was recovered from car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Name of the
petitioner has surfaced in this case on the disclosure made by



co-accused person, and the same has no evidentiary value in the eye of law. Petitioner has no concern with the car in question and he was not arrested on the spot. The petitioner is in custody since 04.06.2025 and has got eight criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court vide order dated 24.09.2025, passed in Cr. Misc. No. 64982 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baijnathpur PS Case No. 35 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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