

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72373 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- FULKAHA District- Araria

Roshan Kumar @ Roushan Kumar Yadav S/O Sri Bhupendra Yadav @
Bhupendra Yadav R/O Village- Ramghat, Ward No. 05, P.S- Narpatganj,
Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Fulkaha P.S. Case No. 109 of 2025 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, during patrolling, two motorcycle riders coming from Nepal side of the border tried to run away on seeing the police party but they tumbled and were apprehended by the police party after chase. From the sacks loaded on the motorcycles, recovery of 108 liters of country made Nepali liquor was made from the each motorcycle. The petitioner is stated to be the person who had been driving the



motorcycle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is not clear from the FIR that which of the accused persons was driving which motorcycle. Moreover, the petitioner has no concern with any of the motorcycles or the liquor seized from the motorcycles. The petitioner is not the owner nor the driver of any of the motorcycles. Co-accused, Dipesh Kumar Yadav, has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.09.2025 passed in Criminal Misc. No. 69188 of 2025 and the case of the petitioner is precisely on similar footing. The petitioner is having antecedent of one case of different nature. The petitioner is in custody since 05.08.2025 and charge-sheet has been submitted.

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 along with submission of charge-sheet, 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 Judge-2, Araria/court concerned in connection with Fulkaha P.S. Case No. 109 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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