

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78938 of 2025

Arising Out of PS. Case No.-649 Year-2025 Thana- FATEHPUR District- Gaya

1. Pramod Kumar Son of Khiru Yadav Resident of Village- Bagai, P.S.- Gurupa, District- Gaya Ji
2. Niru Yadav @ Niru Kumar Son of Bagad Yadav @ Kedar Resident of Village- Bagai, P.S.- Gurupa, District- Gaya Ji
3. Vivek Kumar @ Vikki Son of Suresh Yadav Resident of Village- Bagai, P.S.- Gurupa, District- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Fatehpur P.S. Case No. 649 of 2025, instituted for the offences punishable under Section 317(5) of BNS and Sections 30(a), 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 1650 liters liquor was recovered from nine motorcycles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners submits that petitioners are neither arrested on spot nor they have owner of the seized motorcycles. The petitioners are in custody since 10.10.2025. Petitioner no.1 has got one criminal antecedent, petitioner no.2 has got two criminal antecedents and petitioner no.3 has got two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fatehpur P.S. Case No. 649 of 2025, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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