

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83261 of 2025

Arising Out of PS. Case No.-138 Year-2019 Thana- BARH District- Patna

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Moni Yadav @ Bhoni Yadav @ Kamadhin Yadav @ Kamadnin Yadav Son of
Late Subash Yadav Resident of Village - Soima, P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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

ORAL ORDER

2 04-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barh
P.S. Case No. 138 of 2019 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act and
25(1-b)a, 26, 35 of the Arms Act.

3. The prosecution case, in short, is that total 48.375
litres of liquor along with one country-made pistol and nine live
cartridges has been recovered from field.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner rather the recovery has been made from an open place which is accessible to public at large. The petitioner has got no concern either with the alleged recovery of liquor or with the arms and ammunitions. The petitioner is in custody since 10.06.2025 and has six criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP 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 as also 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barh P.S. Case No. 138 of 2019, 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)

Alok Verma/-

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