

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82339 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- SAHARGHAT District- Madhubani

Birendra Kumar Yadav @ Birendra Kumar @ Birendra Yadav Son of
Mithlesh Yadav Resident of village- Jilatol, Po- Madhavapur, Ps- Saharghat,
dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shabina Talat, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

ORAL ORDER

2 02-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Saharghat P.S. Case No. 103 of 2025, instituted for the offences
punishable under Sections 274 & 275 of B.N.S, 2023 and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 216
liters of Nepali liquor was recovered from Jute Sack. Petitioner
was arrested on spot.

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. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner submits that the recovery is made from an open place, which is accessible to one and all. The petitioner is in custody since 13.08.2025 and has got clean antecedent. 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner 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 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 Saharghat P.S. Case No. 103 of 2025.

(Rudra Prakash Mishra, J)

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