

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83007 of 2025

Arising Out of PS. Case No.-162 Year-2022 Thana- PHULWARIYA District- Gopalganj

Ritesh Yadav S/o- Shivji Chaudhary R/v- Pachhim Tola Harkhauli Ps-
Mirganj Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Phulwariya PS. Case No. 162 of 2022 dated 19-04-2022,
instituted under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016 and Section 78 of the Juvenile Justice Act
2015.

3. The allegation is of recovery of 23.400 litres of
country-made illicit liquor from two motorcycles bearing
Registration Nos. BR29R4905 and BR28F8104. It is further
alleged that the police apprehended three persons, who were
minors, while one person managed to run away from the spot. It
is further alleged that the apprehended minors disclosed that the
said liquor belonged to the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that no incriminating article has been recovered from the conscious possession or from the house of the petitioner and he has no connection with the seized illicit liquor or the seized motorcycles. It is further submitted that the petitioner was not apprehended at the spot and has been implicated only on the basis of the confessional statements of the apprehended persons. Lastly, it is submitted that nine criminal cases are pending against the petitioner and in all of which he is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge XIII-cum- Special Excise Court No.1 Gopalganj, in Phulwariya PS. Case No. 162 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i)



that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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