

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82777 of 2025

Arising Out of PS. Case No.-402 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Kundan Kumar S/O Ramvilas Yadav @ Rambelash Yadav Resident of Village
- Baldiha, P.S- Turpati, District- Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Vardhan, Advocate

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

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

ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kuchaikot
P.S. Case No. 402 of 2025, instituted for the offences punishable
under Section 317(5) of the Bharatiya Nyaya Sanhita, 2023 and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 511.275
liters liquor was recovered from two vehicles. Out of which 207 litres
of liquor was recovered from vehicle bearing registration No. BR-
31PA-6392.

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. The petitioner is the
driver of vehicle bearing registration No. BR-31PA-6392. The
petitioner has no knowledge regarding the goods loaded on the



vehicle. The petitioner is in custody since 06.09.2025 and has got no criminal 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 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 Kuchaikot P.S. Case No. 402 of 2025, 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)

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