

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84133 of 2025

Arising Out of PS. Case No.-554 Year-2025 Thana- Excise P.S. District- Gopalganj

Raju yadav, Son of Surendra yadav, R/o Madarwani, P.S. - Fulwariya, Dist. - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Deepankar Raj, Advocate

For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Gopalganj Excise PS. Case No. 554 of 2025, dated.05.09.2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022

3. As per allegation, two persons were carrying illicit liquor on a motorcycle and on seeing the police they started fleeing away but they were chased by the police and one person sitting as pillion rider fell down with a bag from the motorcycle, who disclosed his name as Vijay Yadav and eighteen liter of illicit liquor was recovered from the bag he was carrying on the motorcycle. As per the further case of the prosecution, the



person driving the motorcycle was successful in fleeing away and as per the confessional statement of the co-accused, Vijay Yadav, it was the Petitioner who has fled away on the motorcycle.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the Petitioner has transpired only in the confessional statement of the co-accused. He also submits that neither any motorcycle has been seized nor the Petitioner was arrested on the spot. He also submits that the Petitioner has nothing to do with the alleged offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts that no prima facie case is made out against the Petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in



the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Gopalganj Excise PS. Case No. 554 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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