

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28685 of 2026

Arising Out of PS. Case No.-67 Year-2026 Thana- EXCISE SHERGHATI District- Gaya

Munarik Yadav S/o Ramdev Yadav, Resident of village - Gaura, Koshila, PS - Bodhgaya, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Excise Sherghati P.S. Case No. 67 of 2026, dated 16.02.2026, registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, co-accused nephew of the informant was apprehended when his motorcycle was signaled to stop for search and subsequently, recovery of 15 litres of illicit foreign liquor was made from a bag placed on vehicle, from its dickey and from the jacket of the co-accused Srikant Kumar. The name of the petitioner transpired in this case as the owner of the vehicle.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. Petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his person or possession. All the witnesses of seizure are Police personnel of the raiding party and there is complete non-compliance of mandatory provisions of B.N.S.S., 2023 regarding seizure. Learned counsel further submits that the co-accused Srikant Kumar is the nephew of this petitioner and he took the motorcycle of the petitioner and used it to carry illicit liquor without any knowledge of the petitioner. Petitioner has got no criminal antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been made from the conscious possession of the petitioner and further considering doubtful nature of allegation and the possibility of false accusation in the background of the facts as discussed hereinabove, let the petitioner, above-named, in the event of his arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.



10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, 3, Gaya, in connection with **Excise Sherghati P.S. Case No. 67 of 2026**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned trial Court.

(Arun Kumar Jha, J)

Shahnawaz/-

U		T	
---	--	---	--

