

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35907 of 2026

Arising Out of PS. Case No.-53 Year-2026 Thana- MADHWAPUR District- Madhubani

Ratnesh Kumar Yadav S/o Ram Prakash Ray R/o Village- Diwari P.S-
Sursand, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Soban Asghar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 274 and 275 of the B.N.S. and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure
list would go to show that 108 liters of Nepali liquor is said to
have been recovered from a motorcycle.

4. It is submitted by learned counsel for the petitioner
that there is no recovery from the conscious or physical
possession of the petitioner. It is further submitted that the
petitioner is neither the owner of the said motorcycle nor has
any concern with the seized liquor. There is violation of the
mandatory provisions of the search and seizure as there is no



independent witness to the seizure list. Petitioner has been languishing in custody since 24.03.2026.

5. Taking into consideration the fact and circumstances of the case and also considering the fact that there is no recovery from the conscious possession of the petitioner and also he is not the owner of the said motorcycle, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Madhwapur (Madhawpur) P.S. Case No. 53 of 2026, subject to the further condition that:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The one of the bailors will be a family member/close relative.

(Soni Shrivastava, J.)

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