

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37147 of 2026

Arising Out of PS. Case No.-51 Year-2026 Thana- Geedha District- Bhojpur

Nirmal Yadav @ Nirmal Rai @ Nirmal Ray S/O Bhutan Yadav @ Bhulan
Yadav Resident of Village-Pachaina, P.S. - Geedha, District Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-06-2026 Heard the learned counsel for the petitioner and the
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Geedha P.S. Case No. 51 of 2026 for allegedly having
committed offence under Sections 30(a) of the Bihar Prohibition
and Excise Act and Section and 317(5) of the BNS.

3. As per the prosecution story which has been lodged
on the basis of the written report submitted by the informant to
the effect that he received information that one person will be
coming with illegal country-made liquor. The informant along
with the police party reached at the place and started vehicle
checking drive. During course of vehicle checking drive, one
person, namely, Satvir @ Ankit Kumar was apprehended
and he disclosed the name of the petitioner and other persons.



Upon search of the bike, which Satvir @ Ankit Kumar was riding, total 120 litres of illicit country-made liquor was recovered and seizure list was prepared accordingly.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence, rather his name has transpired in the present case on the disclosure made by the co-accused person, Satvir @ Ankit Kumar. The petitioner has got no concern with the alleged motorcycle or seized liquor. The petitioner was not even present at the place of occurrence and on the disclosure made by the co-accused, he has been accused in the present case. He further submits that the petitioner has got six criminal antecedents of similar nature, in which he is on bail.

5. The learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is a habitual offender and if he will be granted the privilege of anticipatory bail, he will again indulge in the same offence.

6. Having heard the rival submissions and after going through the record, it appears that the petitioner was not present at the place of occurrence. 120 litres of illegal country-made liquor was seized from the bike and one person namely, Satvir



@ Ankir Kumar was arrested at the place of occurrence. On the disclosure made by the co-accused, Satvir @ Ankit Kumar, the name of the petitioner transpired in the present case and nothing incriminating has been recovered from the possession of the petitioner. Considering the above, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.-II, Bhojpur at Ara in connection with Geedha P.S. Case No. 51 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sandeep Kumar, J)

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