

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41903 of 2026

Arising Out of PS. Case No.-72 Year-2026 Thana- GHOGHARDIHA District- Madhubani

Himanshu Yadav @ Umakant Yadav @ Umakant Kumar Yadav S/o- Satish Kumar @ Satish Prasad Yadav Resident of Village- Kupaha Police Station- Ghoghardiha District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-07-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Ghoghardiha P.S. Case no. 72 of 2026 registered under sections 274, 275 and 317(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 144 litres of liquor was recovered from the *tempo* in question and the driver of the vehicle was taken into custody. Two accused managed to escape. On enquiry, the driver of the *tempo* who was caught disclosed the name of the two persons who had managed to escape, which included the petitioner herein.

4. Learned counsel for the petitioner submits that from the



contents of the FIR itself, it would transpire that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. The only material against him is the statement of a co-accused made before police. The petitioner is in custody since 6.5.2026 and undertakes to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner's possession, the name of the petitioner transpiring in the statement of the co-accused made before police and the petitioner having remained in custody since 6.5.2026, the Court directs the petitioner to be enlarged on bail in connection with Ghoghardiha P.S. Case no. 72 of 2026 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 Exclusive Special Judge, Jhanjharpur, Madhubani.

(Partha Sarthy, J)

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