

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44214 of 2026

Arising Out of PS. Case No.-97 Year-2026 Thana- DARBHANGA SADAR District-
Darbhanga

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Rama Yadav Son of Bhikhari Yadav Resident of Village- Sara Mohanpur,
P.S.- Sadar, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Darbhanga Sadar P.S. Case No. 97 of 2026 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, on receiving information about a consignment of illicit liquor being brought by the traders of illicit liquor, the police party reached the identified place and saw a person running away after seeing them, leaving behind his Scooty. On search, recovery of total 114.75 liters of India made foreign liquor kept in cartons was made from and near the Scooty. The local *chowkidar* disclosed the name of the



petitioner who fled away on seeing the police party.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. There is no compliance of provisions of Section 103 BNSS while making search and seizure. Learned counsel further submits that the petitioner is having antecedent of three cases except the present one and is on bail in all three cases. The petitioner is in custody since 24.05.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Darbhanga/court concerned in connection with Darbhanga Sadar P.S. Case No. 97 of 2026, subject to the conditions



mentioned in Section 480(3) of BNSS and the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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