IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71936 of 2026

CNR No. BRHC011037292026

Arising Out of PS. Case No.-453 Year-2023 Thana- JAYNAGAR District- Madhubani

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Lakshman Yadav Damodar Yadav R/o- Village- Basudeopur, Bhuskaul, P.S. and District- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ratnakar Jha, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 28-10-2026 Heard Mr. Ratnakar Jha, learned counsel appearing on behalf of the petitioner and Mr. Syed Ehteshamuddin, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Jaynagar P.S. Case No. 453 of 2023, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, as amended up-to-date.

3. As per the allegation made in the F.I.R., a total of 531 litres of Nepali country-made liquor was recovered from four motorcycles abandoned by persons who allegedly fled upon seeing the police party during vehicle checking. The petitioner is stated to be the registered owner of one of the seized

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motorcycles bearing Registration No. BR02AL-7732, which, according to him, was being driven by his son.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case merely on account of his ownership of one of the seized motorcycles. He submitted that the petitioner was not present at the place of occurrence and no incriminating article was recovered from his conscious possession. He further submitted that the petitioner is an elderly person and has no criminal antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties and considering the fact that the petitioner was not present at the place of occurrence, no incriminating article was recovered from his conscious possession, and his implication arises primarily from the ownership of the motorcycle, which was allegedly being driven by his son, I am of the opinion that the petitioner having clean antecednet has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be

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released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, 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, Excise-II, Madhubani, or the successor court, in connection with Jaynagar P.S. Case No. 453 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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