

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89327 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- KATEYA District- Gopalganj

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Kailash Chaudhary @ kailas Chaudhary @ Ram Kailash Chaudhary @
Ramkailash Yadav son of Late Bairistar yadav @ Late Balister Chaudhary @
Late Balister Yadav @ Late Balistar Yadav Resident of Village -Bankatiya
Tola Tand (Bankatia Tola Tar) PS -Kateya District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 07-01-2026 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Kateya P.S. Case No. 144 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act and Sections 317(5) and 111 of the B.N.S.

3. As per the prosecution case, total 621 litres of country made liquor was recovered from the Scorpio car.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is neither the owner nor the driver of the seized vehicle and he has no concern



with the consignment loaded in the said vehicle. Learned counsel has further been submitted that the petitioner was not apprehended at the place of occurrence. It has further been submitted that no recovery has been made from the conscious possession of the petitioner. It has lastly been submitted that the petitioner has five criminal antecedents in which he is on bail and the petitioner is in custody since 25.10.2025.

5. The petitioner is willing and undertakes to deposit a sum of Rs. 10,000/- with the Advocate Association, Patna High Court.

6. The learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 25.10.2025, let the petitioner, above named, 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 court below where the case is pending/successor court in connection Kateya P.S. Case No. 144 of 2025, subject to the following terms and conditions :-

(i) One of the bailors shall be a close relative of the



petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will liable to be cancelled by the Court concerned.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The trial court 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 trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Gopalganj within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the concerned Superintendent of Police and if it is found



wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

8. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Advocate Association, Patna High Court.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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