

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1595 of 2026

Arising Out of PS. Case No.-181 Year-2025 Thana- BRAHMPUR District- Buxar

1. Rakesh Kumar S/o Rajendra Yadav R/o Village- Pranpur, PS- Dubahat, Distt - Balia, UP. At present R/o vill - Jawahi Diyara, P.S.- Brahmpur, Distt.- Buxar
2. Lalu Yadav S/o Rajendra Yadav R/o Village- Pranpur, PS- Dubahat, Distt - Balia, UP. At present R/o vill - Jawahi Diyara, P.s.- Brahmpur, Distt.- Buxar
3. Mithilesh Kumar Yadav @ Laddu Yadav S/o Jagnarayan Yadav R/o Village- Pranpur, PS- Dubahat, Distt - Balia, UP. At present R/o vill - Jawahi Diyara, P.s.- Brahmpur, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-01-2026 Heard Mr. Rang Nath Choubey, learned counsel for the petitioners and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Brahmpur P.S. Case No. 181 of 2025, F.I.R. dated 19.09.2025 for the offences punishable under Sections 191(2), 191(3), 109, 132, 324(4) of B.N.S., 2023 and section 27, 26 and 35 of the Arms Act, 1959 and section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 147.780 litres of foreign liquor and five cartridges.



4. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have clean antecedent whereas petitioner no. 3 carry one criminal antecedent and he is on bail in pending matter. Learned counsel further submits that from perusal of the F.I.R., it appears that the name of the petitioners transpired on the basis of disclosure made by local Chowkidar and the petitioners were not apprehended on the spot and except the disclosure made by local chowkidar, no any other material has come during investigation to show the involvement of petitioners in the present occurrence and the recovery has been made from the Swift Dezire Car and the petitioners are neither the owner nor the driver of the said vehicle in question and the similarly situated co-accused person, namely, Lakru Sah @ Rakesh Bhagat @ Lakdu Sah has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.11.2025 passed in Cr. Misc. 74636 of 2025 and co-accused person, namely, Golu Singh @ Sunny Singh has been granted anticipatory bail by this Court vide order dated 18.11.2025 passed in Cr. Misc. No. 76073 of 2025

5. Learned APP has vehemently opposed the prayer for bail of the petitioners and submits that petitioner nos. 1 and 2 have clean antecedent whereas petitioner no. 3 carries one



criminal antecedent but fairly submits that he is on bail in pending matter.

6. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the conscious possession of the petitioners, petitioners have been made accused on the basis of disclosure made by local Chowkidar and the similarly situated co-accused persons have been granted bail by coordinate Bench and by this Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Special Court of Excise- 2nd, Buxar in connection with Brahmpur P.S. Case No. 181 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.



ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioner has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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