

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5467 of 2026**

Arising Out of PS. Case No.-1040 Year-2025 Thana- Excise P.S. District- Kishanganj

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Butesh Yadav @ Buntas Yadav S/o- Yaduvir Yadav R/v- Lakshminiakap  
W.No-4, Ps- Sour Bazar Dist- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      31-01-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Special  
Case No. 1058 of 2025, Excise P.S. Case No. 1040 of 2025,  
instituted for the offences punishable under Sections 30(a) and  
32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 36 liters  
liquor was recovered from jute bag. Petitioner was arrested on  
the spot.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submitted that the recovery has been made from bus, which is an open place and is accessible to public at large. The petitioner was sitting in the bus as passenger. The petitioner is in custody since 14.12.2025 and has got three criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 1058 of 2025, Excise P.S. Case No. 1040 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the  
bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

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