

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13203 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

Vivek Upadhyay Son of Arvind Upadhyay Resident At Garakhara, P.S.-
Sindhora, District- Varanasi, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abbhishek Mishra, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, A.P.P.

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

ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Prohabition & Excise (Kaimur at Bhabhua) P.S. Case No. 05 of 2026, instituted for the offences punishable under Sections 30(a), 32(i)(iii) and 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 118.440 liters liquor was recovered from Bolero vehicle. 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 further submitted that the petitioner is driver of the vehicle and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 05.01.2026 and has got no criminal antecedent. 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 Prohabition & Excise (Kaimur at Bhabhua) P.S. Case No. 05 of 2026.

(Rudra Prakash Mishra, J)

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