

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15321 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- Gurupa District- Gaya

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1. Dipu Kumar S/o Rajkumar Yadav @ Late Raj Kumar Yadav R/o vill - Fatehpur, P.S.- Gurpa, Distt.- GayaJi
 2. Dinesh Kumar S/o Nanhu Yadav @ Surendra Prasad @ Late Nanhu Yadav @ Surendra Prasad R/o vill - Fatehpur, P.S.- Gurpa, Distt.- GayaJi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushp Raj Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2026 Heard Mr. Pushp Raj Singh, learned counsel for the petitioners and Mr. Suresh Prasad Singh, learned APP for the State.

2. Petitioners seek bail, who are in custody since 21.01.2026, in connection with Gurpa P.S. Case No. 05 of 2026, F.I.R. dated 20.01.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Amendment Act, 2016.

3. Recovery is of 450 litres of *country made* liquor in three motorcycles.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing have been recovered from the conscious possession of the petitioners rather recovery has been made from the three motorcycles in question and altogether 450 litres of country made liquor was recovered from the motorcycles in question. He further submits that the petitioner no. 1 was apprehended and 150 litres of country made liquor was recovered from the possession of the petitioner no. 1 and petitioner no. 2 was also apprehended and also 150 litres was recovered from the motorcycle in question. Learned counsel for the petitioners submits that although recovery has been made from the motorcycles in question and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 21.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner no. 2 carries two more cases and petitioner no. 2 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that both the petitioners are on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-4, Gaya in connection with Gurpa P.S. Case No. 05 of 2026, subject to the following conditions :-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 petitioners have concealed their criminal antecedents, 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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