

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18477 of 2026

Arising Out of PS. Case No.-774 Year-2025 Thana- Excise P.S. District- Gopalganj

Wakil Kumar Yadav S/o Sudama Yadav Resident of Village- Gopalpur
Bhasahi, P.S.- Kochaikote, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate

For the State : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Sushil Kumar, learned counsel for the

petitioner and Mr. Shyam Bihari Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
21.11.2025, in connection with Excise Gopalganj P.S. Case No.
774 of 2025, F.I.R. dated 20.11.2025 registered for the offences
punishable under Sections 30(A) and 32 of the Bihar Prohibition
& Excise Act, 2018.

3. Recovery is of 162 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has 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 has been recovered from the
conscious possession of the petitioner rather recovery has been



made from the white Santro car and petitioner has been made accused merely on the ground that the petitioner was the driver of the vehicle in question and altogether 162 litres of country made liquor was recovered from the car in question. He further submits that although recovery has been made from the car in question but there is non-compliance of Sections 103 and 105 of BNSS, 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.11.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases of similar nature other than the present one.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge-IV cum-Executive Special Excise Court-II, Gopalganj in connection with Excise Gopalganj P.S. Case No. 774 of 2025,



subject to the following conditions :-

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

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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