

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21336 of 2026**

Arising Out of PS. Case No.-28 Year-2026 Thana- Excise P.S. District- Madhepura

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Dipak Kumar @ Deepak Kumar S/o Rajendar Yadav @ Rajendra Yadav  
Resident of Village- Raghunathpur Ward No. 08, P.S.- Murliganj, District-  
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-04-2026                      Heard Mr. Amarnath Jha, learned counsel for the  
  
petitioner and Mr. Vinod Shanker Modi, learned Additional  
  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
02.02.2026 in connection with Madhepura Excise P.S. Case No.  
28 of 2026, F.I.R. dated 02.02.2026 for the offences punishable  
under Section 30(a), 32(iii) of the Bihar Prohibition and Excise  
Act, 2018.

3. Recovery is of 360 liters of illegal foreign liquor.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
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 the recovery has been made from pick-up van in question and petitioner is neither the owner or driver of the vehicle in question. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 02.02.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and there is non-compliance of Section 103 and 105 of BNSS, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge Excise-II, Madhepura in connection with Madhepura Excise P.S. Case No. 28 of 2026, subject to the following conditions:-

i. 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.



ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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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