

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16771 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- Vasudevpur District- Munger

Rahul Kumar S/O Mukesh Prasad Yadav Resident of Village- Shairpur, P.S-
Basudeopur, District-Munger 811202

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karn, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2026 Heard Mr. Hemant Kumar Karn, learned counsel for
the petitioner and Ms. Pushpa Sinha. 1, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.02.2026 in connection with Basudeopur P.S. Case No. 20 of
2026, F.I.R. dated 17.02.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2022.

3. Recovery is of 439.89 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent 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 Sherpur Patwan Garden and petitioner has been made accused merely on the basis of suspicion because he was present at the place of occurrence. There is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 17.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended from the place of occurrence and apart from that the petitioner carries six criminal antecedents other than the present one but fairly submits that he is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Judge, Excise-II, Munger in connection with Basudeopur P.S. Case No. 20 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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