

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16827 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

Surendra Kumar Yadav @ Surendra Yadav S/O Bindeshwari Yadav R/O
Village - Bahorwa,P.S - Kusheshwar Sthan, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate
For the State : Mr. Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2026 Heard Mr. Nawal Kishor Prasad, learned counsel for

the petitioner and Mr. Mithlesh Kumar Khare, learned APP for

the State.

2. Petitioner seeks bail, who is in custody since
20.02.2026, in connection with Kusheshwar Asthan P.S. Case
No. 23 of 2025, F.I.R. dated 02.02.2026 registered for the
offences punishable under Section 281 of the B.N.S., 2023 and
Section 30(a) of the Bihar Prohibition & Excise Act, 2022
(Amended).

3. Recovery is of 3293.40 litres of *foreign* 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.
that the name of the petitioner has been transpired on the basis



of suspicion and nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the truck in question. He further submits that the petitioner is neither the owner of the truck nor the driver of the truck in question and due to his previous criminal antecedent of similar nature the petitioner has been made accused in the present case and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 20.02.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of four cases, the petitioner is on bail in three cases and one case is pending for consideration before the competent court of law.

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 Exclusive Special



Judge-II (Excise Act), Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 23 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.

Ibrar//-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

