

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22272 of 2026

Arising Out of PS. Case No.-48 Year-2026 Thana- Excise P.S. District- Madhepura

Bhupendar Kumar @ Bhupendra Kumar S/o- Brahmdeo Yadav @ Brahmdeo Prasad Yadav Village-Tunyahi ward No- 04 PS- District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2026 Heard Mr. Surya Narayan Yadav, learned counsel for the petitioner and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 03.03.2026 in connection with Madhepura Excise P.S. Case No. 48 of 2026, F.I.R. dated 02.03.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 144 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 of 144



liters of illicit foreign liquor has been made from the kitchen of the petitioner. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the house/kitchen in question and the same is the joint house property of the petitioner. He further submits that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 03.03.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits that he is on bail in the pending matter.

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 District & Additional Sessions Judge (Excise-II), Madhepura in connection with Madhepura Excise P.S. Case No. 48 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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