

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20483 of 2026

Arising Out of PS. Case No.-34 Year-2026 Thana- KUTUMBA District- Aurangabad

Surendra Yadav Son of Jag Govind Yadav Resident of Village- Pahadi, P.S.-
Chhatarpur, District- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the State : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-03-2026 Heard Mrs. Rupa Kumari, learned counsel for the
petitioner and Mrs. Pushpa Sinha.1, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
20.02.2026, in connection with Kutumba P.S. Case No. 34 of
2026, F.I.R. dated 19.02.2026 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition &
Excise Act (Amended) 2022.

3. Recovery is of 610 litres of *country made tanaka*
liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. She 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 vehicle in question and altogether 610 litres of country made tanaka liquor was recovered from the vehicle in question. She further submits that the petitioner is not the owner of the vehicle in question but the petitioner is the driver of the vehicle in question and he has no knowledge about the illicit country made tanaka liquor and there is non-compliance of Section 103 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.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner as well as there is non-compliance of Section 103 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 & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1, Aurangabad in connection with Kutumba P.S. Case No. 34 of 2026, subject to the following conditions :-



(1) One of the bailors should be the close relative of the petitioner.

(2) 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.

(3) 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.

(4) 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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