

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22653 of 2026

Arising Out of PS. Case No.-34 Year-2026 Thana- BUXAR INDUSTRIAL District- Buxar

1. Pushpa Devi Wife of Late Shyam Bihari Chauhan Resident Of Village- Majhariya, Ps- Buxar (industrial) Dist- Buxar
2. Deepu Kumar @ Dipu chauhan @ Dipu Kumar Son of Late shyam Bihari chauhan Resident Of Village- Majhariya, Ps- Buxar (industrial) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Amit Kumar Pandey, learned counsel for the petitioners and Mr. Rajendra Prasad Nat, learned APP for the State.

2. Petitioners seek bail, who are in custody since 22.02.2026, in connection with Buxar (Industrial) P.S. Case No. 34 of 2026, F.I.R. dated 22.02.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. Recovery is of 276.64 litres of country made and *foreign* liquor.

4. Learned counsel for the petitioners submits that the petitioner no. 2 carries two more cases other than the present one in which he is on bail and petitioner no. 1 having clean antecedent



and they have been falsely 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 petitioners rather recovery has been made on the basis of disclosure made by the petitioner no. 2, namely, Deepu Kumar @ Dipu Chauhan and recovery has been made from the house of the petitioners. Learned counsel for the petitioners further submits that although recovery has been made from the house of the petitioners but from perusal of the seizure list it appears that there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 22.02.2026.

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

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Buxar in connection with Buxar (Industrial) P.S. Case No. 34 of 2026, subject to the following conditions :-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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