

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22330 of 2026

Arising Out of PS. Case No.-78 Year-2026 Thana- KATEYA District- Gopalganj

1. Kishan Rajbhar @ Krishna Son of Sukhlal Rajbhar @ Sitaram Rajbhar Resident Of Village- Daharipatti, Ps- Turpatti, Dist- Kushinagar UP
2. Juwal Yadav @ Nikesh Kumar Son of Deonaryan Chaudhary @ Devnarayan chaudhari Resident Of Village- Rainpur/Ranipur, Ps- Kateya, Dist- Gopalganj

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2026 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned counsel for the petitioners and Mr. Nand Kumar, learned

Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since
08.02.2026 in connection with Kateya P.S. Case No. 78 of 2026,
F.I.R. dated 07.02.2026 for the offences punishable under
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
Act, 2022.

3. Recovery is of 144 liters of country made liquor.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have 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 petitioners rather the recovery of 144 liters of illicit country made liquor has been made from the car in question. He further submits that the petitioners have no concern at all with the alleged recovery of the illicit liquor or the car in question and they are not the owner of the car in question. He further submits that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioners are in custody since 08.02.2026.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Section 103/105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge XIII-cum-Special Judge Excise-I, Gopalganj in connection with Kateya P.S. Case No. 78 of 2026, subject to the following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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