

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22687 of 2026

Arising Out of PS. Case No.-31 Year-2026 Thana- YADOPUR District- Gopalganj

1. Shimla Devi Son of Late Sunil Pashwan Resident of Village - Gosai Tola, P.S. - Tamkuhi, Dist. - Kushinagar(U.P.).
2. Sunil Kumar Son of Satan Madesiya Resident of Village - Bhatwaliya, P.S. - Tamkuhi, Dist. - Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Saurabh Kumar, learned counsel for the petitioners and Mr. Pradeep Narain Kumar, learned APP for the State.

2. Petitioners seek bail, who are in custody since 10.02.2026, in connection with Yadopur P.S. Case No. 31 of 2026, F.I.R. dated 08.02.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. Recovery is of 86.400 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in the present case. 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 from the vehicle in question and altogether 86.400 litres of foreign liquor was recovered from the vehicle in question. He further submits that 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 10.02.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries two more cases of similar nature and petitioner no. 2 carries one more case of similar nature but fairly submits on the basis of paragraph-3 of the bail petition that the petitioners are on bail in the pending matters.

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 Additional Sessions Judge-XIII cum Special Judge Excise Court-I, Gopalganj in connection with Yadopur P.S. Case No. 31 of 2026, subject to the following conditions :-

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



petitioners.

(2) 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.

(3) 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.

(4) 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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