

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26401 of 2026

Arising Out of PS. Case No.-53 Year-2026 Thana- NAUTAN District- Siwan

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1. Dinesh Yadav S/o Khedu Yadav R/o Village- Karjaniya, PS - Shri Rampur ,
Dist- Dewariya , Uttar Pradesh
 2. Yogendra Kushwaha S/o Babulal Bhagat R/o village _Sawnaha, P.S _Bhore,
Dist._ Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2026 Heard Mr. Ashok Kumar, learned counsel for the

petitioners and Mr. Sanjay Kumar Sharma, learned Additional

Public Prosecutor for the State.

2. Petitioners seeks bail who is in custody since
17.02.2026 in connection with Nautan P.S. Case No. 53/2026,
F.I.R. dated 16.02.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 561.600 liters of foreign liquor from
the truck.

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 has been made from vehicle in question and the petitioners have been made accused merely on the basis that the petitioner no. 1 is the driver and the petitioner no. 2 is the co-driver of the vehicle in question. The seizure list witnesses are police personnel and there is non-compliance of Sections 103 and 105 of the BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 17.02.2026.

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

6. Considering the aforesaid facts and circumstances, 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 Court of Exclusive Special Excise Court-2, Siwan in connection with Nautan P.S. Case No. 53/2026, subject to the following conditions:-

- i. One of the bailors shall be a family member of the petitioners.
- ii. 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 his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

iii. 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.

iv. 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 his 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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