

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24326 of 2026

Arising Out of PS. Case No.-197 Year-2026 Thana- Excise P.S. District- Siwan

Bishal Yadav @ Vishal Yadav Son of Dhanesh Yadav Resident of Village -
Kabirpur, Police Station - Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.03.2026 in connection with Siwan (Excise) P.S. Case No.
197 of 2026 for the offences punishable under Sections 30(a)
and 47 of Bihar Prohibition and Excise Act.

3. The prosecution case, in brief, is that on the basis
of secret information, the informant and raiding team reached
the place mentioned in information, and started vehicle
checking it was seen that a Hyundai Gran 110 car bearing
registration number JH01CL242, was speeding very fast from
the direction of Siwan towards Malmaliya thereafter the team
started chasing the said vehicle and Maharajganj Excise Police
team surrounded the said vehicle and stopped.
During this, the driver sitting in the car and the person sitting
next to him both opened both car doors and started running
away, who were surrounded and stopped by the Informant. The



co-driver was stopped and the driver managed to escape using the canal route and jungle bushes. Seeing the police action many people gathered there and they were requested to become independent witnesses but no one was ready to become witness thereafter, Tarkesh Kumar, from the raiding team was made independent witnesses and in front of them, following the search rules, the said Hyundai Grand i-10 car bearing registration number JH10L2423, was searched, and 55 cartons of Officer's Choice Original Whisky (each carton contained 48 pieces of 180 Ml. capacity each) were recovered from the middle seat said car. Thus, a total quantity of 475.200 liters Foreign liquor was recovered. Thereafter, the name and address of the arrested person was asked and he told his name Vishal Yadav and the person who fled away was Prashant Pander @ Shyam Pander. The seizure list and arrest memo were prepared in presence of witnesses, who put their signatures thereon and the same was supplied to the accused person. The Court finds that in view of the fact that prima facie case under the Excise Act, is made out against the petitioner, he is F.I.R. named accused as there is recovery of 475.200 liters of Foreign Liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has



falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR and it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner and recovery has been made from the vehicle in question and altogether 475.200 liters of foreign liquor was recovered from the vehicle in question. Learned counsel for the petitioner further submits that petitioner is neither the owner nor the driver of the vehicle in question. Apart from aforesaid it appears from the seizure that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and seizure list witnesses are police personnel and petitioner is in custody since 14.03.2026.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.II, Siwan in connection with Siwan



(Excise) P.S. Case No. 197 of 2026, subject to the following conditions:-

i. 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.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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)

Gaurav Sinha/-

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