

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26773 of 2026**

Arising Out of PS. Case No.-41 Year-2026 Thana- BHAIKAVSHTHAN District- Madhubani

Gautam Kumar Jha Son of Gagandev Jha Residents of Village- Machhaita,  
Kurson, Nadiami, Ps- Sakatpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

2      22-04-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for bail in connection with Bhairavsthan P.S. Case No. 41 of 2026 registered for the offence punishable under Sections 274, 275, 3(5) of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition & Excise Act.

3. The case of the prosecution, in short, is that from a four-wheeler (Nissan Magnite), altogether 342.96 liters of illicit foreign liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits petitioner was driver of the alleged vehicle and he was unaware of the consignment kept in the



vehicle. He also submits that the witnesses of the seizure list are police personnel and the police has not complied with Section 105 of the BNSS while making the seizure. He further submits that the petitioner is languishing in judicial custody since 15.03.2026.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner has criminal antecedent of four cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail **with the condition that the petitioner shall not indulge himself in similar nature of offences in future.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise), Jhanjharpur in connection with Bhairavsthan P.S. Case No. 41 of 2026.

**(Ashok Kumar Pandey, J)**

Sudhanshu/-

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