

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27880 of 2026

Arising Out of PS. Case No.-86 Year-2025 Thana- NANIJOR District- Buxar

Ashok Kumar Yadav Son of Mahavir Yadav Resident of Village - Mahuar
English, P.S.- Karnamepur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Mr. Mohit Shriwastava, learned counsel
for the petitioner and Mr. Arun Kumar Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.12.2025 in connection with Nanijor P.S. Case No. 86 of
2025, F.I.R. dated 20.02.2025 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Recovery is of 43.200 liters of country made foreign
liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has 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 petitioner rather the recovery has



been made from motorcycle in question and the petitioner is not the owner of the motorcycle in question. He further submits that seizure list witnesses are police personnel and there is non-compliance of Section 103 and 105 of BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.12.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner was apprehended at the place of occurrence and apart from that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

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 Excise Special Judge, Court No.2, Buxar in connection with Nanijor P.S. Case No. 86 of 2025, 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)

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