

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29582 of 2026**

Arising Out of PS. Case No.-95 Year-2026 Thana- BODHGAYA District- Gaya

Rajesh Yadav Son of Late Ramchandra Yadav Resident of Village -  
Mocharim, Police Station - Bodh Gaya, District - Gaya (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-05-2026                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
20.03.2026 in connection with Bodhgaya P.S. Case No. 95 of  
2026 for the offence punishable under Section 30(a) of Bihar  
Prohibition and Excise Amendment Act, 2022.

3. That prosecution case is based on the typed  
application of the informant namely Pradeep Shankar Jha who  
happens to be P.S.I. of Bodhgaya Police Station alleging therein  
that on 20.02.2026 at about 22.10 Hrs. informant along with  
other police personals went for patrolling from Bodhgaya Police  
Station. During the course of patrolling informant received  
secret information that Rajesh Yadav (Petitioner) has kept illegal  
liquor in his general store at Village- Mocharim. Thereafter,



informant along with other police personals reached at the place of occurrence and saw that after seeing the police personals one person succeeded to flee from the said general store and the local persons have taken the name of fled away person as Rajesh Yadav (Petitioner). On search informant recovered total 322.35 litter of foreign liquor from the general store of petitioner. Accordingly, an F.I.R. has been instituted against the Petitioner in the concerned police station

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the general store. It is next submitted that as per the allegation as alleged in the FIR petitioner is supposed to be owner of the general store in question. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 20.03.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of one more case other



than the present case but fairly submits that petitioner is on bail in the pending matter.

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 Court of Exclusive Special Excise Court No. 1, Gaya Jee or its available successor Court in connection with Bodhgaya P.S. Case No. 95 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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