

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28411 of 2026

Arising Out of PS. Case No.-304 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Shailesh Kumar @ Shailesh Ray @ Shailesh Roy S/O Ram Balak Prasad
Yadav @ Rambalak Rai @ Ram Balak Pd. Yadav Resident of village-
Yadavpur Bakhari, P.S- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30 (a) of the Bihar Prohibition and Excise Act, 2022.

3. The case of the prosecution is that co-accused, namely, Md. Faiz was apprehend with 36 liters of Nepali country made liquor and the name of the petitioner has been disclosed by the co-accused from whom the recovery was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that nothing has been recovered from the conscious possession of



the petitioner. It is further submitted that all the witnesses of the seizure list are police personnel and the police had not complied the mandatory provision of Section 105 of the BNSS. Moreover, the petitioner is languishing in judicial custody since 05.02.2026.

5. Learned APP appearing for the state has opposed the prayer of regular bail stating that the petitioner has 12 criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kundwa Chainpur P.S. Case No. 304 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, East Champaran, Motihari, subject to the condition that

(I) the petitioner shall co-operate in the trial and shall remain physically present in the trial Court on each and every date;

(II) one of the bailor shall be near relative of the petitioner.

(III) However, it has been brought on record that the



petitioner has criminal antecedents in 14 cases. In such circumstances, he is directed to cooperate in the trial, remain physically present on each and every date fixed by the court, and mark his attendance once every week at Dhaka Police Station.

(Ashok Kumar Pandey, J)

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