

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29850 of 2026

Arising Out of PS. Case No.-254 Year-2026 Thana- Excise P.S. District- Siwan

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1. Harikesh Kumar S/O Late Yogendra Yadav @ Yogendra Chaudhary
Resident of Village - Chhapiya Bujurg, P.S. - Hussainganj, District - Siwan
 2. Sunil Kumar Yadav S/O Jilajeet Yadav Resident of Village - Chhapiya
Bujurg, P.S. - Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners have prayed for bail in connection with Siwan Excise P.S. Case No. 254 of 2026 registered for the offence punishable under Section 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that from a Scorpio vehicle, altogether 868.320 liters of illicit foreign liquor was recovered.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. He also submits that the petitioners are driver and co-driver



of the said Scorpio and they were ignorant of the liquor being kept in the Scorpio. He also submits that nothing has been recovered from the possession of the petitioners. 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. Moreover, the petitioners are languishing in judicial custody since 01.04.2026.

5. The application for bail is opposed by learned APP for the State and submits that petitioner no. 2 has got no criminal antecedent whereas petitioner no. 1 has criminal antecedent of one case 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 petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each 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. 254 of 2026.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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