

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28819 of 2026

Arising Out of PS. Case No.-152 Year-2026 Thana- BABUBARHI District- Madhubani

Gulshan Kumar Yadav S/o Amirilal Yadav Resident of Village - Bardiwan, PS
- Town, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2026 Heard Mr. Bhavesh Kumar Sah, learned counsel for
the petitioner and Mr. Abhay Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
24.03.2026, in connection with Babubarhi P.S. Case No. 152 of
2026 (G.R. Case No. 443 of 2026), F.I.R. dated 23.03.2026
registered for the offences punishable under Sections 30(a), 41
of the Bihar Prohibition & Excise Act.

3. Recovery is of 565.5 litres of *illicit Nepali* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 recovery has been made from the vehicle in question and



altogether 495 litres of illicit Nepali country made liquor was recovered from the white Scorpio in question, 09 litres of illicit Nepali foreign liquor was also recovered from the vehicle in question and apart from aforesaid some other liquor were also recovered from the other vehicle in question and altogether 565.5 litres of illicit Nepali liquor was recovered from two vehicles in question. He further submits that the petitioner is not owner of the vehicles in question. It appears from the F.I.R. as well as seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 24.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Act,



Madhubani in connection with Babubarhi P.S. Case No. 152 (G.R. Case No. 443 of 2026), subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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