

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30549 of 2026

Arising Out of PS. Case No.-35 Year-2026 Thana- KURSAKANTA District- Araria

Pawandev Yadav @ Pawan Yadav S/o- Late Nunu Lal Yadav R/v- Kalhuwa
W.No-14, Ps- Kursakanta Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard Mr.Ramesh Kumar Singh, learned counsel for
the petitioner and Mr.Shyam Kumar Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
08.03.2026 in connection with Kursakanta P.S. Case No. 35 of
2026, F.I.R. dated 02.03.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2022.

3. Recovery is of 67.2 liters of Nepali liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner it appears from the FIR as well as the
seizure list that altogether 67.2 liters of Nepali liquor was
recovered for the house of the petitioner. Further submits that
the petitioner is not the exclusive owner of the house in question



rather the house in question is the joint family property of the petitioner. It appears from the 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 08.03.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the recovery has been made from the house of the petitioner, apart from that, the petitioner carries one more case other than the present one of similar nature but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned Dist. & Addl. Sessions Judge cum Exclusive Spl. Excise Court- II, Araria in connection with Kursakanta P.S. Case No. 35 of 2026, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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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