

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33716 of 2026

Arising Out of PS. Case No.-395 Year-2026 Thana- Excise P.S. District- Gaya

Shailesh Kumar aged about 21 years, Male Son of Upendra Yadav, Resident
of village - Bazar Verma, PS - Goh, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 19-05-2026 Learned counsel for the petitioner and learned APP
for the State heard through virtual mode.

2. The petitioner seeks bail in connection with Sadar
Gaya Ji Excise P.S. Case No. 395 of 2026 instituted for the
offences punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise Act, 2016.

3. As per allegation in the FIR, total 65 litres of
country made liquor was recovered from a motorcycle bearing
Registration No. BR-02BE-7277 driven by the petitioner and
arrested at the spot along with seized liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He submits that petitioner
has no connection with the aforesaid liquor. He further submits
petitioner is the owner of the motorcycle. He next submits that



the petitioner has no knowledge about the said recovery. He lastly submits that no incriminating articles has been recovered from the conscious possession of the petitioner. Petitioner has got clean antecedent as stated in the para 3 of the petition and he is in custody since 22.03.2026.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner.

6. From perusal of the FIR and impugned order of the learned Exclusive Special Excise, Court No. 3, Gaya Ji dated 09.04.2026, it appears that petitioner is named in the FIR. From the perusal of the records it also appears that on the basis of written report of the informant, FIR has been registered under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016 against two accused persons including the present petitioner and the allegation is of total 65 liters of country made liquor recovered from a motorcycle. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 22.03.2026 and no there is no any independent witness of the seizure list, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant regular bail to the petitioner.

7. Accordingly the prayer for regular bail of the



petitioner is allowed. Let the petitioner above named be released on regular bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3 Gaya Ji in connection with Sadar Gaya Ji Excise P.S. Case No. 395 of 2026.

(Ramesh Chand Malviya, J)

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