

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34274 of 2026

Arising Out of PS. Case No.-6 Year-2026 Thana- BAIRGACHHAI District- Araria

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Durgesh Kumar S/o Maheshwar Prasad Yadav R/o Village- Hulaspatti, Ward
No 04, PS- Phulparas, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratnakar Jha

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 19-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in conneciton
with Bairgachhi P.S. Case No. 06 of 2026 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act.

3. As per the prosecution story which has been lodged
on the basis of the written report submitted by the informant to
the effect that on 15.01.2026 at about 8.30 hours, he along with
police party was on patrolling duty and during course of the
same, when he reached near Mirnijamuddin's house situated at
the south of N.H. 327L, he saw a golden colour Toyota Etios
GD car bearing Registration No. BR-01BJ-9989 coming from
east direction. When the informant directed to driver to stop the



car, the accused persons tried to flee, but were caught by the police party. On inquiry, they disclosed their names as Tanmay Adhikari (Driver) and Shankar Bosak. Upon search, 175.500 litres of foreign liquor was recovered from the said car.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case, as he is the owner of the said car. The petitioner was not apprehended at the spot and no incriminating article has been recovered from his possession. The petitioner was not aware about the liquor being carried in the car. Moreover, co-accused Tanmay Adhikari and Shankar Bosak have been granted regular bail by a Hon'ble Single Judge of this court vide order dated 26.02.2026 passed in Cr. Misc. No. 14011 of 2026. The petitioner has got a clean antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail.

6. Heard the learned counsel for the parties and after going through the records, it appears that total 175.500 litres of foreign liquor was recovered from a car. The name of petitioner transpired during course of investigation. He was not apprehended at the spot. Considering the same, let the petitioner, above named, in the event of arrest or surrender within a period



of six weeks, 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 the learned Exclusive Special Judge Excise-1, Araria in connection with Bairgachhi P.S. Case No. 06 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned 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 concerned shall take steps 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.

(Ritesh Kumar, J)

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