

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31231 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- Bhopatpur District- East Champaran

Suraj Yadav S/o Upendra Rai Resident of village - Chaube Tola, P.S -
Bhopatpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 31249 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- Bhopatpur District- East Champaran

Raja Kumar S/o Awadhesh Bhagat Resident of village - Chaube Tola, P.S.-
Bhopatpur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 31231 of 2026)
For the Petitioner/s : Ms. Harsha Shashwat, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP
(In CRIMINAL MISCELLANEOUS No. 31249 of 2026)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Anant Kumar 1, learned APP for the State

(In Cr. Misc. No. 31231 of 2026) and Ms. Harsha Shashwat,

learned counsel for the petitioner and Dr. Kumar Uday Pratap,

learned APP for the State (In Cr. Misc. No. 31249 of 2026).

2. Petitioners seek bail, who are in custody since



12.02.2026 and 11.02.2026 respectively, in connection with Bhopatpur P.S. Case No. 23 of 2026, F.I.R. dated 10.02.2026 registered for the offences punishable under Section 11 of the B.N.S. and Section 30(a) of the Bihar Prohibition & Excise Act.

3. Recovery is of 139.980 litres of *foreign* liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. She 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 petitioners rather recovery has been made from the garden situated behind the Vishwakarma temple and the petitioners have no role at all in the present occurrence and petitioners have been made accused in the present case merely on the basis of suspicion and except the suspicion, nothing has come during investigation to suggest the involvement of the petitioners in the present occurrence. 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 petitioners are in custody since 12.02.2026 and 11.02.2026 respectively..

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



petitioners and submits that the petitioners (In Cr. Misc. No. 31231 of 2026 and Cr. Misc. No. 31249 of 2026) carry four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioners are in bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Bhopatpur P.S. Case No. 23 of 2026, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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