

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38092 of 2026

Arising Out of PS. Case No.-89 Year-2026 Thana- SINGHWARA District- Darbhanga

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AMOD KUMAR YADAV Son of Dasrath Roy @ Dashrath Ray Resident of
Village- Chainpur, Post- Paharpur, P.S.- Garkha, District- Saran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Abhijeet Gautam, learned counsel for the

petitioner and Mr. Asha Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
14.03.2026, in connection with Singhwara P.S. Case No. 89 of
2026, F.I.R. dated 13.03.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act, 2022 and Sections 317(4), 317(5), 336(2), 340(2),
61(2), 336(3) of the B.N.S.

3. Recovery is of 345.6 litres of *foreign* 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 the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.



It appears from the F.I.R. as well as seizure list that altogether 345.6 litres of foreign liquor was recovered from the pick-up van in question and petitioner is not the owner of the pick-up van in question. 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. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.03.2026.

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 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-II (Excise Act), Darbhanga in connection with Singhwara P.S. Case No. 89 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.

(Rajesh Kumar Verma, J)

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