

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38087 of 2026

Arising Out of PS. Case No.-242 Year-2026 Thana- Excise P.S. District- Lakhisarai

Nehru Yadav Son of Late Jagdhish Yadav Resident of Village - Pachena, P.S -
Lakhisarai, Dist. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Manoj Kumar, learned counsel for the
petitioner and Mr. Bishweshwar Ram, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
28.04.2026, in connection with Lakhisarai Excise P.S. Case No.
242C2 of 2026, F.I.R. dated 27.04.2026 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act.

3. Recovery is of 02.100 litres of *illicit* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent 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. As per F.I.R.,
altogether 02.100 litres of illicit liquor was recovered from the



house in question. He further submits that the petitioner is not the absolute owner of the house in question and 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 28.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of five cases, the petitioner is on bail in four cases and one case is pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case and the fact that 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 District & Additional Sessions Court-VII-cum-Exclusive Special Excise Court-II, Lakhisarai in connection with Lakhisarai Excise P.S. Case No. 242C2 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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