

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38108 of 2026

Arising Out of PS. Case No.-152 Year-2025 Thana- BALRAMPUR District- Katihar

Purushottam Kumar S/o Bhawanand Yadav R/o Village- Tulsibari Rajpur,
(Manikpur), Ward no 13, PS- Madhepura Sadar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Surya Narayan Yadav, learned counsel
for the petitioner and Mr. Lakshmi Kant Sharma, learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
06.04.2026, in connection with Balrampur P.S. Case No. 152 of
2025, F.I.R. dated 11.09.2025 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act, 2016.

3. Recovery is of 176.4 litres of *foreign* 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 it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather recovery has been



made from the car in question and petitioner was not apprehended at the place of occurrence and he has been made accused in the present case merely on the ground that he is the owner of the car in question. The petitioner is in custody since 06.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the tower location of the mobile of the petitioner was found at the place of occurrence and apart from aforesaid, the petitioner carries one more case of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner, 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, Excise Court No. 01, Katihar in connection with Balrampur P.S. Case No. 152 of 2025, 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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