

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40005 of 2026

Arising Out of PS. Case No.-373 Year-2026 Thana- MADHEPURA District- Madhepura

Pradeep Kumar S/O Bijli Yadav R/O - Tuniyahi ,Ward No.- 4, P.S -
Madhepura, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pooja Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Pooja Prasad, learned counsel for the

petitioner and Mr. Dr. Kumar Uday Pratap, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
03.04.2026, in connection with Madhepura P.S. Case No. 373 of
2026, F.I.R. dated 02.04.2026 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 806.39 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 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 Vehicle in question and petitioner is not the owner of the vehicle in question and petitioner has been made accused merely on the ground that the petitioner was sitting in the back side of the vehicle and he has no knowledge at all with the alleged recovery of illicit liquor 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 03.04.2026.

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 nothing has been recovered from the conscious possession of the petitioner 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 Additional District and Sessions Judge-V-cum-Special Judge Excise Act 1st, Madhepura in connection with Madhepura P.S. Case No. 373 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 her absence on two consecutive dates without sufficient reason, her 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 her 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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