

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40773 of 2026

Arising Out of PS. Case No.-239 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

Yogesh Singh S/o Sharad Kumar Singh Resident of Village- Behara, P.S.-
Kerakat, District- Jaunpur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Aquaib Khan, learned counsel for the
petitioner and Mr. Manoj Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.05.2026 in connection with Bhabhua P.S. Case No. 239 of
2026, F.I.R. dated 14.05.2026 for the offences punishable under
Section 30(a), 32(1),(3), 41 (1)(2) of the Bihar Prohibition and
Excise Act, 2022.

3. Recovery is of 153 liters of illegal foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
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



the recovery of altogether 153 liters of illegal foreign liquor has been made from vehicle in question and the petitioner has been made accused merely on the basis that he is the driver of the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question. He further submits that seizure list witnesses are police personnel so there is non-compliance of Section 103/105 of BNSS. The petitioner is in custody since 15.05.2026.

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

6. Considering the aforesaid facts and circumstances that petitioner has clean antecedent, he is not the owner of the vehicle in question and there is non-compliance of Section 103/105 of BNSS, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge(Excise)-II, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 239 of 2026, subject to the following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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