

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39858 of 2026

Arising Out of PS. Case No.-80 Year-2026 Thana- BARGAINIA District- Sitamarhi

Dipu Ray @ Dipu Yadav S/o Late Mukti Ray @ Muktinarayan Ray R/o
Village - Masaha Narottam Ward no.10, P.S. - Bairgania, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-06-2026 Heard Mr.Virendra Kumar,learned counsel for the

petitioner and Mr.Sanjay Kumar Pandey, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
09.04.2026 in connection with Bairgania P.S. Case No. 80 of
2026, F.I.R. dated 15.03.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2022.

3. Recovery is of 378 liters of Nepali Relax country
made liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case on the basis of disclosure made by the co-accused
persons, namely, Mantu Kumar and Rahul Kumar. Learned



counsel for the petitioner submits that co-accused persons have disclosed that the petitioner was fled away from the place of occurrence and he was not arrested from the place of occurrence. Further submits that except the disclosure made by the apprehended co-accused persons, nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 09.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired during investigation on the basis of disclosure made by the co-accused persons, apart from that, the petitioner carries five more cases other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned Exclusive Special Excise Judge-I, Sitamarhi or concerned court in connection with Bairgania P.S. Case No. 80 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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