

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42782 of 2026

Arising Out of PS. Case No.-239 Year-2026 Thana- Excise P.S. District- Lakhisarai

Dilkhush Kumar S/O Janardan Yadav Resident of Village- Kharra, Ward NO.
02 P.S.- Suryagarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2026 Heard Mr.Sanjeev Kumar, learned counsel for the
petitioner and Mr.Md. Anzarul Haque Sahara, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
26.04.2026 in connection with Excise P.S. Case No. 239
C2/2026, F.I.R. dated 26.04.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. Recovery is of 60 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that it appears from the FIR as well as the seizure list
that nothing has been recovered from conscious possession of
the petitioner and altogether 60 liters of illicit liquor was
recovered from the motorcycle in question and the seizure list



witnesses are police personnel so there is non-compliance of Sections 103/105 of BNSS, 2023 and the petitioner is in custody since 26.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one of similar nature but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner and there is non-compliance of Sections 103/105 of BNSS, 2023, 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 District and Additional Sessions Judge-VII-cum-Exclusive Special Excise Court-II, Lakhisarai in connection with Excise P.S. Case No. 239 C2/2026, 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)

Nitesh/-

U		T	
---	--	---	--

