

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43216 of 2026

Arising Out of PS. Case No.-127 Year-2026 Thana- DURGAWATI District- Kaimur (Bhabua)

Ganesh S/o Harkha Ram R/o vill - Jalipa, P.s.- Jalipa, Distt.- Badmer @
Barmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.04.2026 in connection with Durgawati P.S. Case No.127 of
2026 for the offences punishable under Sections 338, 336(3),
318(4), 340(2), 341 of BNS and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. Recovery is of 3537 liters of illicit 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. that altogether 3537 liters of country made liquor
was recovered from the truck in question and petitioner has been
made an accused in the present case merely on the ground that



petitioner is driver of the truck in question. Learned counsel for the petitioner next submits that petitioner has no knowledge about the alleged article and from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 16.04.2026.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and petitioner is not the owner of the truck in question and the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 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), Court No. II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 127 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)

Gaurav Sinha/-

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