

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49743 of 2026

Arising Out of PS. Case No.-47 Year-2026 Thana- VISHAMBHARPUR District- Gopalganj

Mukesh Kumar Yadav Son of Sudama Yadav Resident of Village - Navgava,
P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Vishambharpur P.S. Case No. 47 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The prosecution case, in brief, is that acting on a secret information, the police intercepted a three-wheeler tempo allegedly driven by the petitioner, Mukesh Kumar Yadav. During the search, 165.845 litres of illicit liquor (IMFL and country-made liquor) was allegedly recovered from a concealed compartment beneath the seat of the vehicle. The recovered liquor and the vehicle were seized, the petitioner was arrested at the spot.



4.The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from conscious possession of the petitioner. He has further submitted that the petitioner was merely a passenger and was seated alongside the driver. He has also submitted that the provisions of Section 103 of the BNSS have not been complied with. He has next submitted that the petitioner is a person of clean antecedent and have been in judicial custody since 23.04.2026. He undertakes to cooperate with the investigation and trial as also, not to repeat the offence of similar nature.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and circumstances of the case coupled with the fact that the petitioner is a person of clean antecedent, let the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Gopalganj/concerned court in connection with Vishambharpur P.S. Case No. 47 of 2026,



subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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