IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77014 of 2026

CNR No. BRHC011007322026

Arising Out of PS. Case No.-211 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

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Devendra Kumar @ Devendra Prasad S/o Late Shivpujan Rai Resident of Vill. - Konhwa Wards No. 3, P.S. - Kotwa, Dist. - Motihari(East Champaran).

... ... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Patna high court

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
Ms. Shobha Shreya, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned A.P.P. on behalf of the State.

2. This application is filed for grant of regular bail to the petitioner who has been made accused in connection with Kuchaikote P.S. Case No. 211 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up-to-date).

3. As per the prosecution, there is a recovery of 146.700 litres of foreign liquor from a Bolero bearing Registration No. BR05P4687.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this

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case only on the basis of suspicion and nothing has been recovered from the conscious possession of the petitioner. It is submitted that neither the Bolero from which the alleged recovery has been made nor the alleged recovered liquor belongs to the petitioner.

5. It is further submitted that there is no independent witness of the alleged seizure list and the witnesses of the seizure list are police party which is a clear violation of the mandatory provisions of the B.N.S.S.

6. Learned counsel for the petitioner submits that charge-sheet has been filed against the petitioner and the petitioner is in judicial custody since 27.04.2026 and is having a clean antecedent.

7. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the period of custody and also taking into consideration the materials available on record, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand rupees) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge – IV cum Exclusive

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Excise Court II, Gopalganj in connection with Kuchaikote P.S. Case No. 211 of 2026 on the following conditions:-

(i) That one of the bailors should be family member of the petitioner.

(ii) That the petitioner will cooperate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the Court, he should physically appear in Court on that date.

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

(Kumar Manish, J)

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