IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77078 of 2026

CNR No. BRHC011110862026

Arising Out of PS. Case No.-234 Year-2026 Thana- DUMRAO District- Buxar

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Jitendra Kumar Yadav Sonof Kameshwar Yadav R/O Vill.- Khesopur, P.S.- Simri, District- Buxar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mrs. Shaheen Begum, 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 APP for the State.

2. This is an application for regular bail to the petitioner who has been made accused in connection with / Dumraon P.S. Case No. 234 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act (as amended up to date).

3. As per the prosecution case, there is a recovery of 129.60 liters of foreign liquor from the dicky of a Brezza Car.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of this petitioner

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and he is in no way related to the alleged recovery. Petitioner is not the owner of the said vehicle rather he is merely a driver of the said vehicle and had no knowledge what was kept inside the care. It is submitted that there is no independent witness to the search and seizure and the mandatory provisions of Section 103 and 105 of the BNSS has not been followed while making the seizure list. Petitioner has clean antecedent and is languishing in judicial custody since 12.09.2026.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Buxar/concerned court in connection with Dumraon P.S. Case No. 234 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will

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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 the court on that date.

(iii) 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.

(Kumar Manish, J)

Abhishek/-

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