IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77188 of 2026

CNR No. BRHC011123992026

Arising Out of PS. Case No.-397 Year-2026 Thana- DURGAWATI District- Kaimur (Bhabua)

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1. KRISHNA KUMAR GUPTA S/O YOGENDRA SAH R/O VILLAGE- AKODHI, P.S.- RAMGARH, DISTRICT- KAIMUR AT BHABUA
2. KRISHNA KUMAR GUPTA S/O ALAGU PRASAD GUPTA R/O VILLAGE- USARI, P.S.- MOHANIA, DISTRICT- KAIMUR AT BHABUA

... ... Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

2. The petitioners are seeking regular bail in connection with Durgawati P.S. Case No. 397 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegedly, on the tip-off, in course of loading illicit liquor on the motorcycle from the Scorpio vehicle, the petitioners were apprehended and on search, a total of 1,039

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bottles of 8PM whisky measuring 187.020 litres was allegedly recovered from three sacks and seven cartons kept in the Scorpio Vehicle.

4. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case. He has further submitted that nothing was recovered from conscious possession of the petitioners. The petitioners have no concern either of the alleged recovery of illicit liquor or the Scorpio in question. He has also submitted that during course of the investigation, not a single independent witness came forward to support the prosecution case. It has further been contended that the petitioners have been implicated in the present case due to the high-handedness of the local police. It has next been submitted that the provisions of Section 103 and 105 of the BNSS have not been complied with. The petitioners are the persons of clean antecedents and have in judicial custody since 14.09.2026. The petitioners undertake to cooperate with the investigation and trial and shall not repeat any offence of similar nature.

5. On the other hand, the learned APP for the

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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 petitioners are the persons of clean antecedents, let the petitioners above-named, are directed to furnish bail bond and on doing so, the court below shall release the petitioners on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II/ concerned Court, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 397 of 2026, subject to the following conditions:-

(i) The petitioners 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 petitioners will appear on each and every date fixed by the trial court and if, they fail to do so on two consecutive dates, unless they are prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioners.

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

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioners.

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

(Raj Kumar, J)

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