IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80644 of 2026

CNR No. BRHC011175032026

Arising Out of PS. Case No.-156 Year-2026 Thana- BHAIRAVSHTHAN District-Madhubani

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1. Pradeep Kumar Yadav son of Yogendra Yadav Resident of village- Bijay, ps-Pandaul, Dist- Madhubani
2. Kamlesh Kumar son of Prayag Yadav Resident of village- Mailam Ps-Andharathadhi, Dist- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Jaishankar Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners seek bail in connection with Bhairav Asthan P.S. Case No. 156 of 2026 dated 29.09.2026 registered for the offences punishable under Sections 274, 275, 317(5) and 3(5) of the B.N.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police intercepted a Scorpio and apprehended the petitioners and on search, total 360 liters of Nepali liquor was recovered.

4. Learned counsel for the petitioners submits that the

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petitioners have falsely been implicated and they have no concern whatsoever with the recovered liquor. It has been stated that the recovery has been made from the vehicle and not from the conscious possession of the petitioners. In fact, the petitioner no. 2 is stated to be a liner and he was not even travelling on the vehicle concerned where the recovery was made. It has been submitted that the procedure for seizure has not been followed by the police and only because the petitioner no. 1 has four criminal antecedents of similar nature, he has falsely been implicated. It has lastly been submitted that the petitioners are in custody since 29.09.2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Having considered the submissions and also the fact that the recovery was made from the vehicle of which the petitioners are not the owners, the petitioners are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor court in connection with Bhairav Asthan P.S. Case No. 156 of 2026, G.R. No. 514/2026, subject to the following terms and conditions :-

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(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bonds.

(v) The trial court shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the trial court shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(vi) In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Madhubani within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the concerned Superintendent of Police and if it is

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found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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