

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11177 of 2026

Arising Out of PS. Case No.-350 Year-2025 Thana- Excise P.S. District- Bhojpur

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1. S Vishal @ Vishal @ Vishal Kumar @ Vishal Yadav S/o Shiv Rai @ Shibu Ray R/o- Bakarpur Uttari Ganga Jal, Ward No. 14, P.S. Raja Pakad, District Vaishali, State Bihar presently residing at 2 TNHB, Gudalore, P.O. Karunillam. District Kancheepuram, State- Tamil Nadu
 2. Dev Kumar S/o Ragubar Sah Rai @ Raghuvansh Rai R/o- Bakarpur Uttari Ganga Jal, Ward No. 14, P.S. Raja Pakad, District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seeks bail in connection with Excise
Ara P.S. Case No.350 of 2025 instituted for the offences
punishable under Sections under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
total 950.400 liters illegal foreign liquor from the spot.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and
have falsely been implicated in this case. Learned counsel for
the petitioners further submits that the petitioners have remained



in custody since 14.12.2025 and are having clean antecedent and the search and seizure memo is not signed by any two independent witnesses, thereby putting a question mark on the legality of the search and seizure itself.

5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

6. Taking into consideration that the petitioners have remained in custody since 14.12.2025 and are having clean antecedent and further that the search and seizure memo is not signed by any two independent witnesses, thereby putting a question mark on the legality of the search and seizure itself.

7. Let the petitioners above named, are directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise Ara P.S. Case No.350 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates



without substantial reason or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

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

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

8. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Prakash Narayan

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