

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11829 of 2026

Arising Out of PS. Case No.-606 Year-2025 Thana- CHAKIA District- East Champaran

Shishupal Kushwaha @ Shishpal Kumar Khushwaha Son of Chhotelal
Kushwaha R/O village - Parsauni Fajinagar @ Fazilnagar, P.S.- Padherwa,
Dist.- Kushinagar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR JUSTICE RITESH KUMAR

ORAL ORDER

2 17-02-2026

Heard the parties.

2 The petitioner is in custody in connection with Chakia PS Case No 606 of 2025 for allegedly having committed an offence under Sections 318 (4), 338, 336 (3), 340 (2), 3 (5) of the BNS and Sections 30 (a), 41 (1) and 52 of the Bihar Prohibition and Excise Act.

3 The learned counsel for the petitioner submits that 2556 liters of English/foreign made liquor was seized from a truck having a separate compartment for concealing the same and the petitioner was arrested from the spot. The learned counsel for the petitioner further submits that the petitioner is not the owner of the truck and he is only the Driver and it was not within his knowledge that such a huge quantity of foreign



liquor has been concealed. The learned counsel for the petitioner further submits that the seizure list has been prepared in complete violation of the provisions of Section 103 of the BNSS, since no independent witness has come forward to support the prosecution case and there is no eye witness to the occurrence. The learned counsel for the petitioner further submits that the petitioner is in judicial custody since 08.12.2025 and he has got clean antecedent.

4 The learned APP opposes the prayer for bail vehemently.

5 Having heard learned counsel for the parties, let the petitioner above named be released on bail on his furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court III, East Champaran at Motihari in connection with Chakia PS Case No 606 of 2025 subject to the condition as laid down under Section 480 (3) of the BNSS/437 (3) of the Cr P C with a condition that :

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

(ii) the petitioner will cooperate in the trial.

6 The learned trial Court shall verify the criminal



antecedent of the petitioner and in case at any stage if it is found that the petitioner has concealed his criminal antecedent, then the Court below shall take steps for cancellation of his bail bond. However, the acceptance of the bail bond in terms of the above mentioned order shall not be delayed for the purpose of or in the name of verification.

(Ritesh Kumar, J)

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