

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11367 of 2026

Arising Out of PS. Case No.-805 Year-2025 Thana- Excise P.S. District- Gopalganj

Kapil son of Mangat Ram Resident of village-Kandal Ps- Chopal Distt-
Shimla State -Himanchal Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Raj, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 19-03-2026 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Excise P.S.Case No. 805 of 2025 registered for the offence
punishable under Sections 30(a) and 32 of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. As per the prosecution case, a vehicle was stopped
by the police personnel and in presence of the police witnesses,
the said vehicle was searched and a total 4006.440 litres of
foreign liquor was recovered from the said vehicle and the
petitioner was arrested from the spot.

4. The learned counsel for the petitioner has



submitted that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion and the alleged recovery of liquor and seized vehicle do not belong to the petitioner.

5. Taking note of the fact that petitioner has clean antecedent and has remained in custody since 05.12.2025 and further taking into account the fact that the search and seizure memo does not bear the signature of any independent witness which puts a question mark on the legality and validity of the seizure itself, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction learned District and Additional Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court No-II, Gopalganj in connection with Excise P.S.Case No. 805 of 2025 subject to the following conditions:

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each and every 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



petitioner will be liable to be cancelled by the
Court concerned.

6. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

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