

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11320 of 2026

Arising Out of PS. Case No.-122 Year-2025 Thana- UJIYARPUR District- Samastipur

Umesh Kumar @ Nanki S/o-Late Raju Singh @ Rajo Singh Village -
Fatehpur Bala , P.S. - Musrigharari , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ujiarpur P.S. Case No. 122 of 2025 instituted for the offences
punishable under Sections 30(a), 33, 36, 41 of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 100
litres of spirit has been recovered from the shop of the co-
accused Ajay Kumar.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner rather the recovery has been made
from the shop of the co-accused. The name of the petitioner has



been disclosed by apprehended co-accused. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 15.01.2026 and has got six criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Bench vide order dated 10.07.2025 passed in Cr. Misc. No. 43692 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ujiarpur P.S. Case No. 122 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date



fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The Petitioner shall not commit offence of a similar nature in future.

(V) The Petitioner shall not leave the territorial jurisdiction of the learned court below without prior permission of the court concerned.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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