

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11819 of 2026**

Arising Out of PS. Case No.-22 Year-2026 Thana- DURAULI District- Siwan

Bijli Singh @ Durga Singh S/o Rajmuni Singh R/o Village - Done Bujurg, P.S
- Darauli, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Sanjay Kr Tiwari, Mohan Kr Tiwari, Ujjwal
Kr, Advocates

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

CORAM: HONOURABLE MR JUSTICE RITESH KUMAR

ORAL ORDER

2 17-02-2026

Heard the parties.

2 The petitioner is in custody in connection with Darauli PS Case No 22 of 2026 dated 11.01.2026 for allegedly having committed an offence under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

3 The learned counsel for the petitioner submits that 310 liters of country made liquor was seized from the open space within the boundary of the petitioner and the petitioner was apprehended at the spot. The learned counsel for the petitioner further submits that the petitioner is innocent and has not committed the offence. The alleged seizure has been made from the joint family property of the petitioner and nothing has been recovered from his conscious possession. The learned



counsel for the petitioner further submits that the seizure list has been prepared in complete violation of the provisions contained in Section 103 of the BNSS, since no independent witness has come forward to support the case of the prosecution and the petitioner is in custody since 12.01.2026, having three criminal antecedents of similar nature of the years, 2021 and 2022 respectively. The learned counsel for the petitioner further submits that since the petitioner is having criminal antecedents of similar nature, therefore, he has been made accused in the present case also.

4 The learned APP opposes the prayer for bail vehemently and submits that the petitioner is a habitual offender having three cases pending against him of the similar nature.

5 Having heard the parties, let the petitioner above named be released on bail on his furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court I, Siwan in connection with Darauli PS Case No 22 of 2026 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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