

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17777 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- SURSAND District- Sitamarhi

Krishan Murari son of Mohan Ray Residen of Village- Manikpur Musharniya,
Ward no. 11, Ps- Parihar, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2026 Heard Mr.Devendra Kumar, learned counsel for the
petitioner and Mr.Surendra Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
22.01.2026 in connection with Sursand P.S. Case No. 44 of
2026, F.I.R. dated 21.01.2026 registered for the offence
punishable under Sections 317(5) of BNS, 2023 and Section
30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Recovery is of 717 liters of Nepali Saufi liquor.

4. Learned counsel appearing for the petitioner
submits that the allegation as alleged in the FIR is false and
fabricated and the petitioner has not committed any offence as
alleged in the FIR. It appears from the FIR as well as the seizure
list that the recovery has been made from the vehicle in question
and petitioner is not the owner of the vehicle in question.



Learned counsel for the petitioner further submits that it appears from the seizure list that the witnesses of the seizure list are member of the raiding party and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 22.01.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended at the place of occurrence and he carries one more case of similar nature other than the present one but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 of learned Exclusive Special Excise Judge-02, Sitamarhi in connection with Sursand P.S. Case No. 44 of 2026, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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