

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16738 of 2026

Arising Out of PS. Case No.-39 Year-2026 Thana- MALSALAMI District- Patna

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Rama Kumar S/O Tilakdhari Sahni @ Tilakdhari Resident Of Village-
Nuruddinganj, P.s.- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2026 Heard Mr. Arvind Prasad Singh, learned counsel for

the petitioner and Md. Aslam Ansari, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.01.2026 in connection with Malsalami P.S. Case No. 39 of
2026, F.I.R. dated 22.01.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. Recovery is of 150 liters of Mahua wine.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather the recovery of 100



liters of Mahua wine has been made from the CNG Auto and 50 liters from the motorcycle in question. Apart from that the petitioner is neither the owner nor the driver of the said vehicles in the question and he has been made accused in the present case merely on the ground of suspicion. From perusal of the seizure list it appears that there is non-compliance of Section 103/105 of the BNSS, 2023 and the seizure list witnesses are the police personnel. The petitioner is in custody since 23.01.2026.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedents of the similar nature but fairly submits that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Section 103/105 of the BNSS, 2023, 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 the learned Special Judge Excise, Patna City in connection with Malsalami P.S. Case No. 39 of 2026, subject to 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 absence on two consecutive dates without sufficient reason, his 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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