

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16581 of 2026

Arising Out of PS. Case No.-87 Year-2026 Thana- Excise P.S. District- Gaya

Nayan Mukherjee Son of Rabindra Nath Mukherjee Resident of Village-
Badha Ghaghra, Shanti Rani school, P.S.- Doranda, District- Ranchi
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the State : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2026 Heard Mr. Jitendra Kumar, learned counsel for the

petitioner and Mr. Nand Kishore Prasad, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
22.01.2026, in connection with Gaya Excise P.S. Case No. 87 of
2026, F.I.R. dated 21.01.2026 registered for the offences
punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition & Excise Act, 2016 (Amendment Act 2022).

3. Recovery is of 229.500 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 recovery has been made from the vehicle in question and altogether 229.500 litres of foreign liquor was recovered from the vehicle in question. He further submits that the petitioner is not owner of the vehicle in question and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 22.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 03, Gaya in connection with Gaya Excise P.S. Case No. 87 of 2026, subject to the following conditions :-



(1) 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.

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

(3) 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 antecedents, 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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