

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17558 of 2026**

Arising Out of PS. Case No.-23 Year-2026 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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Bittu Kumar S/O Late Ram Udgar Ray R/O Village - Jitwarpur,P.S - Muffasil,  
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nawal Kishor Prasad, Advocate  
For the Opposite Party/s : Ms.Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-03-2026                      Heard Mr.Nawal Kishor Prasad,learned counsel for  
  
the petitioner and Ms.Nirmala Kumari, learned A.P.P. for the  
  
State.

2. The petitioner seeks bail, who is in custody since  
04.02.2026 in connection with Kusheshwar Asthan P.S. Case  
No. 23 of 2026, F.I.R. dated 02.02.2026 registered for the  
offence punishable under Section 281 of BNS and Section  
30(a) of Bihar Prohibition and Excise Act, 2022 (Amended).

3. Recovery is of 3293.40 liters of foreign liquor.

4. Learned counsel appearing for the petitioner  
submits that the petitioner has clean antecedent. 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 that the truck in question was overturned on 30.01.2026 and the petitioner was taken to Primary Health Centre Satighat for treatment and on 02.02.2026 and the truck in question was searched on 02.02.2026 in absence of the petitioner and police has shown that the recovery has been made from the Truck in question. Learned counsel for the petitioner submits that the petitioner is cleaner of the truck in question and he has not concern at with the alleged recovery of illicit liquor and petitioner has been made accused in the present case and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 04.02.2026.

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

6. Considering the aforesaid fact, petitioner has clean antecedent and the truck in question was not searched in presence of the petitioner, 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 Judge-II (Excise Act), Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 23 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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