

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18540 of 2026

Arising Out of PS. Case No.-85 Year-2026 Thana- Excise P.S. District- Jamui

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1. Arbind Kumar Son of Ramchandra Bhagat R/o Village - Shahpur, P.S. - Hathauri, Dist. - Muzaffarpur.
 2. Abhay Kumar Son of Vishwanath Prasad R/o Village - Mahdaya, P.S. - Meeanpur, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioners and Mr. Umeshanand Pandit, learned APP for the State.

2. Petitioners seek bail, who are in custody since 14.01.2026, in connection with Jamui P.S. Case No. 85 of 2026, F.I.R. dated 13.01.2026 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. Recovery is of 792 litres of *foreign* liquor.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have 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 tractor in question and petitioners are not the owner of the tractor in question. He further submits that petitioner no. 1 is the driver and petitioner no. 2 is co-driver of the tractor in question and altogether 792 litres of foreign liquor was recovered from the tractor in question and there is non-compliance of Section 103 of BNSS, 2023 and the petitioners are in custody since 14.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-II, Jamui in connection with Jamui P.S. Case No. 85 of 2026, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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