

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17025 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- GANGTA District- Munger

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1. Subhash Kumar @ Subhash Thakur S/o- Sahdev Thakur Resident of Village- Makanpur, Post- Makanpur P.S.- Warsaliganj, District- Nawadah.
 2. Pawan Kumar Modak S/o- Ram Pado Modak R/v- Sabji Bagan near Sisi Godam Ps- Dhansar Dist- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 16-03-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 30 (a) and 32 of the Bihar Prohibition of Excise Act, 2018.

3. The case of the prosecution is that altogether 855 liters of country made liquor was recovered from a pick-up van.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in connection with the present case. It is further submitted that the petitioner no.1 is merely the driver of the vehicle whereas petitioner no.2 is the co-passenger of the said vehicle. It is further submitted that nothing has been recovered from the



possession of these petitioners. It is further submitted that petitioner no. 1 being the driver had no knowledge about the alleged illicit liquor and petitioner no. 2 who was travelling as a passenger of that vehicle also had no knowledge about the alleged illicit liquor. It is further submitted that police have not complied with the mandatory provision of Section 105 of the BNSS while making the seizure. Moreover, the petitioners are languishing in judicial custody since 11.01.2026.

5. Learned APP appearing for the state has opposed the prayer of regular bail stating that the petitioner no. 1 is a man of clean antecedent while petitioner no. 2 has one criminal antecedent.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Gangta P.S. Case No. 08 of 2026 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, Excise – 1, Munger.

(Ashok Kumar Pandey, J)

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