

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18335 of 2026

Arising Out of PS. Case No.-537 Year-2025 Thana- MAIRWAN District- Siwan

1. Amit Son of Satyawan Resident of Village- Matlodha, P.S.- Baruala, District- Hisar (Haryana)
2. Sahil Kumar Son of Manoj Kumar Resident of Village- Dadigopal, P.S.- Bana, District- Hisar (Haryana)

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Bijay Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Bijay Prakash Singh, learned counsel for the petitioners and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 30.12.2025 in connection with Mairwa P.S. Case No. 537 of 2025, F.I.R. dated 29.12.2025 for the offences punishable under Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 2279.880 liters of Indian made foreign liquor.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioners have not



committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. as well as seizure list that nothing have been recovered from the conscious possession of the petitioners rather the recovery have been made from the truck in question. He further submits that the petitioners are not the owner of the said truck in question where petitioner no.1 is driver and petitioner no.2 is assistant driver and they have no concern at all with the alleged recovery of the illicit liquor or the truck in question. There is non-compliance of Sections 103/105 of the BNSS, 2023. The petitioners is in custody since 30.12.2025.

5 Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Section 103/105 of the B.N.S.S, 2023, let the petitioners, 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 Exclusive Special Excise, Court no.1, Siwan in connection with Mairwa P.S. Case No. 537 of 2025, subject to the following



conditions:-

i. One of the bailors shall be the close relative of the petitioners.

ii. 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 bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. 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 antecedent, 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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