

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18433 of 2026**

Arising Out of PS. Case No.-78 Year-2026 Thana- Excise P.S. District- Aurangabad

Vikash Kumar S/o Kalendra Saw R/o Village- Tiwary Muhalla, P.S.-  
Daudnagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mukul Kumari, Advocate  
For the State : Mr. Parmanand Prasad, APP

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

2      25-03-2026                      Heard Ms. Mukul Kumari, learned counsel for the  
petitioner and Mr. Parmanand Prasad, learned APP for the State.

2. Petitioner seeks bail, who is in custody since  
20.01.2026, in connection with G.R. No. 138 of 2026 arising out  
of Excise P.S. Case No. 78 of 2026, F.I.R. dated 20.01.2026  
registered for the offences punishable under Sections 30(a) and  
32(3) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. Recovery is of 175 litres of *spirit*.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in the  
present case. She 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 175 litres of



spirit was recovered from the vehicle in question and petitioner has been made accused on the basis of suspicion and there is non-compliance of Section 103 of BNSS, 2023 and the petitioner is in custody since 20.01.2026.

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 Section 103 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 Special Judge of Excise-II, Aurangabad in connection with G.R. No. 138 of 2026 arising out of Excise P.S. Case No. 78 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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