

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18446 of 2026

Arising Out of PS. Case No.-463 Year-2025 Thana- KOTWA District- East Champaran

Akash Kumar S/o Suresh Prasad @ Suresh Sah Resident of village - Amwa,
P.S.- Kotwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Abhishek Kumar, learned counsel for
the petitioner and Mr. Abhay Kumar Roy, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.12.2025 in connection with Kotwa P.S. Case No. 463 of
2025, F.I.R. dated 28.12.2025 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 98.28 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
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
the recovery has been made from house of the petitioner and



petitioner is not the absolute owner of the house in question. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 29.12.2025.

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

6. Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Excise Court No.-1, Motihari, East Champaran in connection with Kotwa P.S. Case No. 463 of 2025, subject to 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 absence on two consecutive dates without sufficient reason, his 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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