

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19479 of 2026

Arising Out of PS. Case No.-91 Year-2026 Thana- GOPALGANJ TOWN District- Gopalganj

1. Nigam Son of Subashchandra Resident of Village- Gamdi, Ps- Sadar, Gohana, Dist- Sonipat, State- Haryana
2. Surendra @surender Son of Dhyanchandra Resident of Village- Gohana, Ps- Deviprabhok, Dist- Sonipat, state- Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Raj, Advocate
For the State : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard Ms. Priya Raj, learned counsel for the

petitioners and Mr. Pradeep Narain Kumar, learned APP for the

State.

2. Petitioners seek bail, who are in custody since
31.01.2026, in connection with Gopalganj Town P.S. Case No.
91 of 2026, F.I.R. dated 30.01.2026 registered for the offences
punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition & Excise Amendment Act, 2022.

3. Recovery is of 177.255 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. 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 petitioners rather recovery has been made from the vehicle in question and altogether 177.255 litres of foreign liquor was recovered from the vehicle in question. She further submits that there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 31.01.2026.

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 the petitioners having clean antecedents and nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 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 Additional District and Sessions Judge-XIII cum Special Judge Excise Court No. 1, Gopalganj in connection with Gopalganj Town P.S. Case No. 91 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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