

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18384 of 2026

Arising Out of PS. Case No.-398 Year-2026 Thana- AHYAPUR District- Muzaffarpur

Rajan Kumar S/O Suresh Sah R/O Village- Kanti, P.S- Lalganj, Distt.-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rupa Kumari, Advocate Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Ms. Rupa Kumari, learned counsel for the
petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.02.2026 in connection with Ahiyapur P.S. Case No. 398 of
2026, F.I.R. dated 24.02.2026 for the offences punishable under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act,
2022 (amended act).

3. Recovery is of 857.52 liters of foreign wine.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the
FIR is false and fabricated and the petitioner has not committed



any offence as alleged in the FIR. 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 of 857.52 liters of foreign wine has been made from two tempo in question. He further submits that the petitioner has been made accused in this case merely on the ground that he is owner of one of the tempo in question. He further submits that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 25.02.2026.

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

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent and there is non-compliance of Section 103/105 of the BNSS, 2023, 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 Judge, Excise Court No. - I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 398 of 2026, 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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