

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20945 of 2026

Arising Out of PS. Case No.-142 Year-2026 Thana- Excise P.S. District- Jamui

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1. Jitendra Kumar S/o Shravan Yadav R/o Village - Kalyanpur Wali, P.S- Chandi, District - Nalanda
 2. Kaju Kumar S/o Santosh Yadav Resident of - Ward No. 9, Village - Ghorahri, P.S - Chandi Belchi, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-03-2026 Heard Mr. Gautam, learned counsel for the petitioners and Mr. Ramesh Chandra, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 23.01.2026 in connection with Jamui Excise P.S. Case No. 142 of 2026, F.I.R. dated 22.01.2026 for the offences punishable under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of 1682.820 liters of 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. It appears from the F.I.R that nothing has been recovered from the conscious possession of the petitioners rather the recovery of 1682.820 liters of foreign liquor has been made from the vehicle in question. He further submits that the petitioner no. 1 is the driver and petitioner no. 2 is the co-driver of the said vehicle in question. He further submits that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioners are in custody since 23.01.2026.

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, they are not the owner of the vehicle in question and there is non-compliance of Section 103/105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court-II, Jamui in connection with Jamui Excise P.S. Case No. 142 of 2026, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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