

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21552 of 2026

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

Kamal Hussain @ Kmal Hussain S/O Md. Ismail R/O Vill.- Roushan Bagh,
Hirdayaganj, P.S. and Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and Mr. Parmanand Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.01.2026 in connection with Baisi P.S. Case No. 238 of 2019,
F.I.R. dated 05.10.2019 for the offences punishable under
Sections 272 and 273 of the IPC and Sections 30(a), 41 and 47
of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 16,000 liters of raw spirit.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Initially petitioner was not named in the FIR and
his name has been transpired on the basis of the confessional



statement of the co-accused, Murshid Alam. It appears from the seizure list that recovery of 16,000 liters of raw spirit has been made from two truck in question. Except the confessional statement of the co-accused, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence. Police after investigation have submitted charge sheet against the petitioner and the petitioner is in custody since 24.01.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten criminal antecedents other than the present one but fairly submits that he is on bail in nine cases out of ten and one case is pending for consideration before the competent court of law.

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, Purnea in connection with Baisi P.S. Case No. 238 of 2019 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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