

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22659 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

Nisarul Haque @ Nisarul Haq S/o- Inayat Hussain Resident of Mirlipur Ps-
Thawe District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate
For the State : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Kumar Harshvardhan, learned counsel for
the petitioner and Mr. Rajendra Singh, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
12.01.2026, in connection with Kuchaikote P.S. Case No. 23 of
2026, F.I.R. dated 11.01.2026 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition &
Excise (Amendment) Act 2022.

3. Recovery is of 927.720 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.



He further submits that from perusal of the F.I.R. it appears that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the vehicle in question and petitioner is neither the driver nor the owner of the vehicle in question. He further submits that co-accused person namely Soharab Alam who happens to be the driver of the vehicle in question has been granted bail by this Court today i.e. on 07.04.2026 passed in Cr. Misc. No. 22562 of 2026 by this Court and the petitioner is in custody since 12.01.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and co-accused person has been granted bail by this Court today, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-IV cum Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 23 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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