

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21305 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- Excise P.S. District- Nawada

Vicky Kumar S/o Dinesh Yadav @ Lallu Yadav R/o Village - Lakhpat Bigha,
P.S - Thali, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard Mr.Shankar Kumar, learned counsel for the

petitioner and Mr.Arun Kumar Pandey, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
04.02.2026 in connection with Excise P.S. (Nawada) Case No.
128 of 2026, F.I.R. dated 04.02.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. Recovery is of 96 liters of country made liquor.

4. Learned counsel appearing for the petitioner
submits that from a bare perusal of the FIR it appears that
nothing has been recovered from conscious possession of the
petitioner rather the recovery has been made from the
motorcycle in question and altogether 96 liters of country made



liquor has been recovered from the motorcycle in question and petitioner is not the owner of the motorcycle in question and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 04.02.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended at the place of occurrence, apart from that, the petitioner carries two more cases other than the present one but he fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact and there is non-compliance of Sections 103 and 105 of 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 learned Exclusive Special Excise Court No.II, Nawada in connection with Excise P.S. (Nawada) Case No. 128 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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