

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21352 of 2026

Arising Out of PS. Case No.-55 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

Hitendra Kumar Son of Kishna Ram Resident of Village- Sewniyala, P.S.-
Baytu, District- Barmer, (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-04-2026 Heard Mr. Dewanand Tiwari, learned counsel for
the petitioner and Mr. Sanjay Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.02.2026 in connection with Kuchaikote P.S. Case No. 55 of
2026, F.I.R. dated 03.02.2026 for the offences punishable under
Section 30(a), 32(2) and 41(1) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 8,816.76 liters illegal country made
liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. 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 has been made from truck in question and the petitioner has been made accused merely on the basis that he is the driver of the vehicle in question and owner of the truck in question namely, Dharam Ram has been apprehended by the police and the petitioner is in custody since 04.02.2026.

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

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, 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 District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 55 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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