

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22765 of 2026

Arising Out of PS. Case No.-424 Year-2025 Thana- MALAHI District- East Champaran

Mukesh Kumar S/o- Harichandra Shah @ Harchan Sah R/v- Benipur Ps-
Kesariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr.Abhishek Kumar, learned counsel for the

petitioner and Mr.Awadhesh Kumar Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
27.12.2025 in connection with Malahi P.S. Case No. 424 of
2025, F.I.R. dated 26.12.2025 registered for the offence
punishable under Sections 274 and 275 of BNS and Sections
30(a) and 41(1) of Bihar Prohibition and Excise Act.

3. Recovery is of 23.400 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR as well as the seizure list that nothing has been
recovered from conscious possession of the petitioner rather the
recovery has been made from the motorcycle in question and



altogether 23.400 liters of foreign liquor has been recovered from the motorcycle in question. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.12.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question 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.-1, Motihari, East Champaran in connection with Malahi P.S. Case No. 424 of 2025, 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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