

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22384 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- Excise P.S. District- Saran

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Rahul Kumar S/o- Vinod Rai Resident of vill- Halalpur, Madarpur, ward No.-
7, P.S.- Industrial Area, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar

... .. Opposite Part

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.02.2026 in connection with Sadar Excise P.S. Case No. 52 of
2026 for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. The prosecution case, in brief, is that total 22 litres
8 ml of illegal foreign liquor was recovered on spot near
Bintoliya Railway Station, out of which 8 litres 64 ml of illegal
foreign liquor from the possession of Rahul Kumar, 3 litres of
illegal foreign liquor from the possession of Chhote Lal Pandit
and 10 litres 44 ml from the possession of Dashrath Sahni.
Accordingly seizure list was prepared and F.I.R. was instituted.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner submits that it appears from the FIR that altogether 22.08 litters of foreign liquor was recovered from the place of occurrence and out of 22.08 litres of foreign liquor, 8.64 liters of foreign liquor was recovered from the present petitioner. Learned counsel for the petitioner submits that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 24.02.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of two cases other than the present case but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and that there is non-compliance of mandatory provisions 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 the learned Exclusive Special Excise Court No.-3, Saran (Chapra) in connection with Sadar Excise



P.S. Case No. 52 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 canceled 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)

Gaurav Sinha/-

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