

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24472 of 2026

Arising Out of PS. Case No.-293 Year-2026 Thana- Excise P.S. District- Jamui

1. Vishal Kumar @ Bishal Kumar S/o- Late Sikandra Rai Village- Sabalpur Pachhiyari Tola Ps-Sonpur Dist- Saran (Chhapra)
2. Golu Kumar S/o- Kamaldeo Singh R/v- Sabalpur Babhantoli PS- Sonpur Dist- Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Anunay Shahi, learned counsel for the
petitioners and Mr. Md. Fahimuddin, learned APP for the State.

2. Petitioners seek bail, who are in custody since 17.02.2026, in connection with Prohibition & Excise Jamui P.S. Case No. JAM 293 of 2026, F.I.R. dated 16.02.2026 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 704.480 litres of *Officer Choice Original Whisky liquor in tetra pack 180 ml of 82 cartoons.*

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely 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 petitioners rather recovery has been made from vehicle in question and altogether 704.480 litres of *Officer Choice Original Whisky liquor in tetra pack 180 ml of 82 cartoons* were recovered from the vehicle in question. He further submits that the petitioners are not owner of the vehicle in question and they have no concern at all with the alleged recovery of illicit liquor. He further submits that it appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 17.02.2026.

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

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. II, Jamui in connection with Prohibition & Excise Jamui P.S. Case No. JAM 293 of 2026, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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