

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24352 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- DHARHARA District- Munger

1. Mukesh kumar @ Fulta S/o Subit Yadav Resident of village - Bari Govindpur, P.S.- Dharahra, Dist.- Munger
2. Shashi Kumar S/o Late Pappu Yadav Resident of village - Bari Govindpur, P.S.- Dharahra, Dist.- Munger

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 15.02.2026 in connection with Dharahra P.S. Case No. 25 of 2026 for the offences punishable under Sections 30(a) and 32 of Bihar Prohibition Excise Act.

3. The prosecution story, in brief, is that on 14.02.2026 at about 4:40 PM, Pritam Kumar the sub-inspector of Dharahra Police Station received confidential information that Sunil Kora was selling and storage of illegal country-made Mahua liquor at his house. The informant informed his superior officer and at about 6:10 PM reached at the house of Sunil Kora along with a



police team. No independent person agreed to become a witness, therefore, in the presence of Constable No. 2226 Ashok Kumar Mandal and Constable No. 1259 Shambhu Kumar, a raid was conducted at the house. On seeing the police team, three persons attempted to flee from the house of Sunil Kora. With the assistance of the police team, two persons were apprehended, while one person managed to escape due to darkness. Upon interrogation, the apprehended persons disclosed their names as Fulta @ Mukesh Kumar (petitioner) and Shashi Kumar (petitioner). The name of the absconding accused was disclosed as Sunil Kora. The police recovered a blue Apache motorcycle without a registration number from near the house of Sunil Kora. The said motorcycle belonged to Fulta @ Mukesh Kumar. During the raid, a total of 360 liters of illegal country-made liquor stored in several containers, along with the unregistered Apache motorcycle (Engine No. CE8FS2X22849), was seized from the place of occurrence. Thereafter, the informant prepared the seizure list, which was duly signed by the witnesses. The case has been registered at Dharhara Police Station as Case No. 25/2026.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in



the present case. It appears from the FIR that altogether 360 liters of illegal country-made liquor was recovered from the motorcycle in question. It is next submitted that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 15.02.2026.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no. 1 has antecedent of three cases other than the present case and petitioner no. 2 has antecedent of one case other than the present case but the petitioners are on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Munger in connection with Dharahra P.S. Case No. 25 of 2026 subject to the following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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)

Gaurav Sinha/-

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