

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24844 of 2026

Arising Out of PS. Case No.-122 Year-2026 Thana- Excise P.S. District- Lakhisarai

1. Vikash Kumar S/o Late Bachchu Saw @ Parmeshwar Saw Resident of Naya Bazar, Kabaiya Road, Ward No 25, P.S.- Kabaiya, District- Lakhisarai
2. Naresh Kumar S/o Manoj Paswan R/o Chhoti Kabaiya, ward no. 32, P.S.- Kabaiya, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 13-05-2026 Heard the learned counsel for the petitioners and
learned APP for the State.

2. The petitioners make a prayer for bail in connection with Excise P.S Case No.122 C²/2026 F.I.R dated 26.02.2026 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the report of A.S.I. Tulsi Kumari submitted to the S.H.O., Excise Police Station. She stated that on 26.02.2026, acting on secret information, she apprehended Vikash Kumar and Naresh Kumar at Suryanarayan Ghat on the bank of river Kiul, where 64 liters of country-made and foreign liquor were recovered from nearby bushes and



seized accordingly.

4. Learned counsel for the petitioners submits that petitioners are innocent, have committed no offence and have falsely been implicated in this case merely on the basis of suspicion. It is submitted that recovery has been made from an open place which is accessible to all and petitioners have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners. The name of the petitioners have been transpired in this case on the basis of secret information got by police. Petitioners are in languishing in judicial custody since 27.02.2026. Counsel for the petitioners submits that petitioner no. 1 has six criminal antecedents in which he is on bail, while petitioner no. 2 has one criminal antecedent in which he is on bail and by referring to the judgment passed in the case of Ayub Khan Vs. The State of Rajasthan passed in Cr. Appeal @ Special Leave Petition (Crl.) No. 10587 of 2023, submits that merely because of the antecedent, the consideration of bail may not be denied.

5. Learned Additional Public Prosecutor for the State opposes the prayer for regular bail.

6. Considering the facts and circumstances and the period of custody, the petitioners are enlarged 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 District and Additional Sessions Judge-VII-cum-Exclusive Special Excise Court-II, Lakhisarai in connection with Excise P.S Case No.122 C²/2026, subject to the condition that the petitioner shall co-operate in the investigation/trial.

(Ajit Kumar, J)

Abhishek/-
Sanjay/-

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