

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24813 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- MALSALAMI District- Patna

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Viru Kumar S/o- Hoti Rai Resident Of Village- Purvi Nandgola, Ps-
Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. Arvind Prasad Singh, learned counsel for

the petitioner and Mr. Umanath Mishra, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.02.2026 in connection with Malsalami P.S. Case No. 36 of
2026, F.I.R. dated 21.01.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Recovery is of 150 liters of country made Mahua
wine.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that altogether 150 liters of
country made Mahua wine has been recovered from the co-
accused Chottu Kumar @ Suraj Giri and he has disclosed the



name of the petitioner in the present occurrence that he escaped from the place of occurrence. He further submits that except the disclosure made by the apprehended co-accused person, nothing has come during investigation which suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 27.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight criminal antecedents other than the present one but fairly submits that he is on bail in seven cases and one case is pending for consideration before the competent court of law.

6. Considering the aforesaid facts and circumstances, 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 Special Judge, Excise Patna City in connection with Malsalami P.S. Case No. 36 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 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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