

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24305 of 2026

Arising Out of PS. Case No.-42 Year-2026 Thana- Excise P.S. District- Saran

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1. Shrawan Paswan S/o Late Rabindra Paswan R/o Village - Bidhipur, Ward no. 14, P.S. - Salimpur, District - Patna.
 2. Mundan Kumar S/o Late Rmashray Ray R/o Village - Bidhipur, Ward no. 15, P.S. - Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026 Heard Mr. Amrit Abhijat, learned counsel for the
petitioners and Mrs. Pushpa Sinha.1, learned APP for the State.

2. Petitioners seek bail, who are in custody since
18.02.2026, in connection with Sadar Excise P.S. Case No. 42 of
2026, F.I.R. dated 17.02.2026 registered for the offences
punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition & Excise Act, 2018.

3. Recovery is of 285.12 litres of *foreign* liquor.

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 the vehicle in question and altogether 285.12 litres of foreign liquor was recovered from the vehicle in question. He further submits that there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 18.02.2026.

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 the petitioners having clean antecedents and 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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sadar Excise P.S. Case No. 42 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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