

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25162 of 2026

Arising Out of PS. Case No.-113 Year-2026 Thana- BATHNAHA District- Sitamarhi

Sunil Kumar Son of Rajendra Chaudhary Resident of village - Bajpatti, ward no. 4, P.S. -Bathnaha New @Bajpatti old, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Santosh Kumar, learned counsel for the
petitioner and Mr. Abhay Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 02.03.2026, in connection with Bathnaha P.S. Case No. 113 of 2026, F.I.R. dated 01.03.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 738 litres of *Nepalese* liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has 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 petitioner rather recovery has been made from the Scorpio and motorcycle



in question and altogether 738 litres of Nepalese Gaurabh Saufi liquor was recovered. He further submits that the petitioner is not owner of the vehicle in question and from perusal of the seizure list witnesses, it appears that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023. The petitioner is in custody since 02.03.2026.

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

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Sitamarhi in connection with Bathnaha P.S. Case No. 113 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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