

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25219 of 2026

Arising Out of PS. Case No.-47 Year-2026 Thana- SONBERSA District- Sitamarhi

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1. Ajay Kumar S/O Ram Hirday Rai R/O Village- Ajmagadh(Ajamgadh), P.S- Dumra, Distt.- Sitamarhi.
 2. Rakesh Kumar @ Rakesh Kumar Shah S/O Late Naresh Shah R/O Village- Ajmagadh(Ajamgadh), P.S- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the State : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Ritesh Kumar Narain Singh, learned counsel for the petitioners and Mr. Ramesh Chandra, learned APP for the State.

2. Petitioners seek bail, who are in custody since 19.02.2026, in connection with Sonbarsa P.S. Case No. 47 of 2026, F.I.R. dated 19.02.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise (Amend) Act, 2022.

3. Recovery is of 163.800 litres of *Nepali* liquor.

4. Learned counsel for the petitioners submits that the petitioner no. 1 carries one more case other than the present one and petitioner no. 2 having 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 (Tempo) in question and altogether 163.800 litres of Nepali liquor was recovered from the vehicle in question. He further submits that the petitioner has been made accused merely on the basis of suspicion and petitioner is neither the owner nor the driver of the vehicle in question. He further submits that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 19.02.2026.

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 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 Exclusive



Excise Court-I, Sitamarhi in connection with Sonbarsa P.S. Case
No. 47 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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