

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27984 of 2026

Arising Out of PS. Case No.-310 Year-2026 Thana- Excise P.S. District- Kishanganj

1. Shakti Kumar Rai S/o- Mangal Rai R/v- Bakarpur Sarmastpur Ps- Rajapakar District- Vaishali
2. Raju Kumar S/o- Lal Babu Rai R/v- Sarmastpur Ps- Rajapakar District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and Mr. Braj Kishore Prasad, learned APP for the State.

2. Petitioners seek bail, who are in custody since 17.03.2026, in connection with Madya Nisedh P.S. Case No. 310 of 2026 giving rise to Special Case No. 313 of 2026, F.I.R. dated 16.03.2026 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition & Excise Act.

3. Recovery is of 945.000 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 truck in question and the petitioners have no knowledge about the illicit liquor and petitioner has been made accused in the present case merely on the ground that the petitioners are the driver and Khalasi of the truck in question and it appears from the seizure list that the seizure list witnesses are the police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 17.03.2026.

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 Exclusive Special Judge Excise-II, Kishanganj, in connection with Madya Nisedh P.S. Case No.



310 of 2026 giving rise to Special Case No. 313 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.

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(Rajesh Kumar Verma, J)

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