

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27974 of 2026

Arising Out of PS. Case No.-65 Year-2026 Thana- BARHARA District- Bhojpur

Akash Kumar @ Bittu Kumar S/o Late Shiv Prasad Ray @ Late Vijay Ray
R/o vill - Lala Ke Tola, P.S.- Barhara, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya, Advocate
For the State : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Ms. Priya, learned counsel for the petitioner
and Mr. Shyam Bihari Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.03.2026, in connection with Barhara P.S. Case No. 65 of 2026, F.I.R. dated 22.03.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Amendment Act 2022.

3. Recovery is of 185 litres of *country made Mahua* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She further submits that it appears from the F.I.R. as well as seizure list that altogether 185 litres of country made Mahua liquor was recovered from the motorcycle in question.



Learned counsel for the petitioner submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and petitioner is not the owner of the motorcycle in question. Further submits that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 23.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of four cases, petitioner is on bail in two cases and rest two cases are pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case and the fact that 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. 1st, Bhojpur at Ara in connection with Barhara P.S. Case No. 65 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)

Ibrar//-

U			
---	--	--	--

