

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26535 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- BARACHATTI District- Gaya

Sanjay Kumar Son of Late Ravindra Singh Resident of Village - Banauri,
P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. Jitendra Kumar, learned counsel for the

petitioner and Mr. Madan Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.01.2026 in connection with Barachatti P.S. Case No. 44 of
2026, F.I.R. dated 29.01.2026 for the offences punishable under
Section 318(4), 338, 336(3), 3(5) of Bharatiya Nyay Sanhita,
2023 and 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 86.400 liters of illegal foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
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



the recovery has been made from vehicle in question and the petitioner is not the owner of the vehicle in question. He further submits that seizure list witnesses are police personnel and there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 29.01.2026.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.5, Gaya in connection with Barachatti P.S. Case No. 44 of 2026, subject to the following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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