

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27961 of 2026

Arising Out of PS. Case No.-96 Year-2026 Thana- DALSINGHSARAI District- Samastipur

Nitish Kumar S/o Ashok Das @ Ashok Kumar Das R/o Village - Sirsi, P.S -
Khodawantpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Mr. Mahendra Pratap, learned counsel for
the petitioner and Mr. Lakshmi Kant Sharma, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
27.02.2026, in connection with Dalsingsarai P.S. Case No. 96 of
2026, F.I.R. dated 26.02.2026 registered for the offences
punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition & Excise (Amendment) Act.

3. Recovery is of 706.5 litres of *foreign* 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 a Maruti container bearing Reg. No. NL01N2125 as well as truck in question and apart from that altogether 706.5 litres of foreign liquor was recovered from the vehicles in question. He further submits that the petitioner is not owner of the vehicles in question and apart from aforesaid 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 27.02.2026.

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 Court of Learned Special Judge-I, Samastipur in connection with Dalsingsarai P.S. Case No. 96 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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