IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27265 of 2026

Arising Out of PS. Case No.-92 Year-2026 Thana- SANGRAMPUR District- East Champaran

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Jivan Kumar Son of Bijali Mahato Resident of Village - Indragachhi Chicknauta Parti Ward No.- 03, P.S.- Sangrampur, District - East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 22-04-2026 Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Ms. Sangeeta Sharma, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 02.03.2026 in connection with Sangrampur P.S. Case No. 92 of 2026, F.I.R. dated 01.03.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 498 liters of country made 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 altogether 498 liters of country made liquor was recovered in which 117 liters of liquor

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was recovered from the hut of the petitioner and 381 liters of liquor was recovered from the Apache motorcycle left by unknown person. The petitioner has no concern at all with the alleged recovery of liquor or motorcycle in question. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 02.03.2026.

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

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and there is non-compliance of Section 103 and 105 of BNSS, 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-1, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 92 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.

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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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