

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27784 of 2026**

Arising Out of PS. Case No.-43 Year-2026 Thana- DEWARIA District- Muzaffarpur

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Samiullah Khan @ Shamiullah Khan @ Lalu Khan @ Lalu S/o- Shamim  
Alam @ Samim Alam R/v- Budanpur @ Budhanpur Ps- Dewariya Dist-  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      27-04-2026                      Heard Mr. Arvind Kumar, learned counsel for the  
  
petitioner and Ms. Indu Kumari Srivastava, learned Additional  
  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
25.02.2026 in connection with Deoria P.S. Case No. 43 of 2026,  
F.I.R. dated 05.02.2026 for the offences punishable under  
Section 30(a) and of the Bihar Prohibition and Excise Act, 2022  
and Section 14 of the Child Labour Act.

3. Recovery is of 198 liters of illicit foreign liquor.

4. Learned counsel for the petitioner submits that  
petitioner is innocent 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 of altogether 198 liters of illicit liquor has been made from the musturd field and the same is in the name of maternal grandfather of the petitioner and petitioner has been made accused merely on the ground of his previous criminal antecedents of similar nature. It appears from the seizure list that the seizure list witnesses are the police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 25.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six criminal antecedents other than the present one but fairly submits that he is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstance, 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 Special Judge Excise, Court No.-II, Muzaffarpur in connection with Deoria P.S. Case No. 43 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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