

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27157 of 2026

Arising Out of PS. Case No.-137 Year-2026 Thana- RAMGARHWA District- East
Champaran

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Pintu Kumar @ Sunil Kumar @ Rakesh Kumar S/o Achhelal Prasad Resident
of village - Nawkadhwa, P.S - Ramgarhwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. Ujjwal Kumar Singh, learned counsel
for the petitioner and Ms. Sucheta Yadav, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.03.2026 in connection with Ramgarhwa P.S. Case No. 137 of
2026, F.I.R. dated 14.03.2026 for the offences punishable under
Section 274, 275 of Bharatiya Nyay Sanhita, 2023 and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 39.3 liters of country made 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. Infact the police has planted the same and shown that the recovery has been made from the conscious possession of the petitioner. He next submits that the seizure list records the date and time as 14.03.2026 at 04:30 PM and the FIR records the date and time as 14.03.2026 at 05:50 PM which suggest that the seizure allegedly occurred before the FIR was registered, which can raise doubt about whether the sequence of events presented by the prosecution is accurate. 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 14.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries eight criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

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-03, I/C East Champaran, Motihari in



connection with Ramgarhwa P.S. Case No. 137of 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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