

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28748 of 2026

Arising Out of PS. Case No.-39 Year-2026 Thana- Excise P.S. District- Saran

Vivek Kumar Kushwaha @ Vicky Son of Rudal Kushwaha Resident of
Village - Aghao, P.S- Bankata, District- Dewariya(U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2026 Heard Ms. Shweta Anand, learned counsel for the

petitioner and Mr. Narendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.02.2026 in connection with Sadar Excise P.S. Case No. 39 of
2026, F.I.R. dated 13.02.2026 for the offences punishable under
Section 30(a), 32(3) of the Bihar Prohibition and Excise Act,
2018.

3. Recovery is of 224.280 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. She 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. She 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 14.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one of similar nature but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

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 Special Judge Excise-3, Saran at Chapra in connection with Sadar Excise P.S. Case No. 39 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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