

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33452 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- MUSRIGHRARI District- Samastipur

Pukhraj S/o- Chuna Ram R/v- SA Bhilo Ki Dadhi Dhoribhanna Dist- Barmer,
Rajasthan, Presently Lodged with Samastipur Dist- Jail Dudhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate
	:	Mr.Naman Sherstra, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Gyan Prakash, learned counsel for the

petitioner and Mr.Sanjay Kumar Sharma, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
15.01.2026 in connection with Musrigarari P.S. Case No. 08 of
2026, F.I.R. dated 14.01.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2022.

3. Recovery is of 2800.440 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. Further submits
that it appears from the FIR as well as the seizure list that the
recovery has been made from the truck in question and
petitioner is not the owner of the truck in question and the



seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.01.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, recovery has been made from the truck in question and there is non-compliance of Sections 103 and 105 of BNSS, 2023, 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 learned Special Judge (Excise)-First, Samastipur in connection with Musrigarari P.S. Case No. 08 of 2026, with the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(III) 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.

(IV) 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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