

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29653 of 2026

Arising Out of PS. Case No.-193 Year-2026 Thana- Excise P.S. District- Purnia

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1. Vijay Kumar Sah @ Vijay Kumar S/o Late Bindeshwari Sah R/o Village - Phulaut, Ward no. 6, P.S. - Chausa, Dist. - Madhepura.
 2. Santosh Kumar S/o Ganesh Mandal R/o Village - Phulaut, Ward no. 6, P.S. - Chausa, Dist. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioners and Mr. Madan Kumar, learned APP for the State.

2. Petitioners seek bail, who are in custody since 28.03.2026, in connection with Excise Sadar P.S. Case No. 193 of 2026, F.I.R. dated 27.03.2026 registered for the offences punishable under Sections 30(a), 47 of the Bihar Prohibition & Excise Amendment Act, 2016.

3. Recovery is of 71.100 litres of illicit *foreign* liquor.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely 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 petitioners rather recovery has been made from the *tempo* in question and altogether 71.100 litres of illicit foreign liquor was recovered. He further submits that the petitioners are neither the owner nor the driver of the tempo in question and they are passengers of the tempo in question. He further submits that the petitioners have no role at all in the present occurrence and the seizure list witnesses are police personnel/Home Guard personnel, so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 28.03.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise-



02), Purnea in connection with Excise Sadar P.S. Case No. 193 of 2026, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

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(Rajesh Kumar Verma, J)

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