

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28788 of 2026

Arising Out of PS. Case No.-156 Year-2026 Thana- DORIGANJ District- Saran

Vikash @ Vinit Kumar Rai S/o Ramashankar Rai @ Ram Shankar Ray R/o
Village - Lal Pokhar, Dighi Kala West, PS - Sadar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Krishna Nishant, Advocate
For the State : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2026 Heard Mr. Gopal Krishna Nishant, learned counsel
for the petitioner and Mr. Braj Kishore Prasad, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
24.03.2026, in connection with Doriganj P.S. Case No. 156 of
2026, F.I.R. dated 23.03.2026 registered for the offences
punishable under Sections 30(a) and 3241 of the Bihar
Prohibition & Excise Act.

3. Recovery is of 470.4 litres of *illicit foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has 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 petitioner



and altogether 470.4 litres of illicit foreign liquor was recovered from three vehicles in question and from the vehicle in question in which the petitioner was apprehended, 48.24 litres of illicit foreign liquor was recovered. He further submits that in fact nothing has been recovered from the conscious possession of the petitioner rather the police has planted the same and shown the recovery has been made from the vehicle in question. He further submits that it appears from the F.I.R. as well as seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 24.03.2026.

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

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran in connection with Doriganj P.S. Case No.



156 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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