

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30666 of 2026

Arising Out of PS. Case No.-320 Year-2026 Thana- EXCISE DANAPUR District- Patna

1. Shankar Kumar S/o Shatrudhan Rai Resident of village - Brahmchari, P.S - Danapur, District - Patna
2. Pappu Rai S/o Dinesh Rai Resident of village - Brahmchari, P.S - Danapur, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 18.03.2026 in connection with Danapur P.S. Case No. 320 of 2026 for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The prosecution case in brief, is that, allegations as per the written complaint dated 17.03.2026 of the informant, who is S.I. of Danapur Police Station are that on 17.03.2026 at 04:45 am, the police chased and caught a tempo bearing Registration No. BR01PL-1897, two persons were also caught by the police from the tempo, who told their name as Shankar Kumar, who was driving the tempo and Pappu Rai, who was passenger in the tempo. On search altogether 84.48 litres of illicit foreign liquor was recovered from the back side of the seat of the said tempo.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and are innocent and they have falsely been implicated in the present case. Learned counsel for the petitioners submits that from perusal of the seizure list it appears that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the tempo in question and recovery is of 84.48 litres of illicit foreign liquor from the back side of the seat of the tempo. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 18.03.2026.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Excise Judge, Danapur in connection with Danapur P.S. Case No. 320 of 2026, subject to the following conditions:-



i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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