

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29825 of 2026

Arising Out of PS. Case No.-818 Year-2026 Thana- Excise P.S. District- Patna

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1. Manish Kumar S/o Late Munna Prasad R/o - Saidpur, Nand Nagar Colony, Ward No. 48, P.S - Bahadurpur, District - Patna
 2. Ravi Mahto S/o Gouri Mahto R/o - Saidpur, Nand Nagar Colony, Ward No. 48, P.S - Bahadurpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard Mr. Tej Pratap, learned counsel for the petitioners and Mr. Ashok Kumar Singh, learned APP for the State.

2. Petitioners seek bail, who are in custody since 06.02.2026, in connection with Excise P.S. Case No. 818 of 2026, F.I.R. dated 05.02.2026 registered for the offences punishable under Sections 30(a), 41, 56(b) of the Bihar Prohibition & Excise Act, 2018.

3. Recovery is of 320.00 litres of *country made* 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 vehicle in question and altogether 320.00 litres of country made liquor was recovered from the vehicle in question. He further submits that the petitioners are not the owner of the vehicle in question. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 06.02.2026.

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 Special Judge, Excise-III, Patna, in



connection with Excise P.S. Case No. 818 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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