

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30015 of 2026

Arising Out of PS. Case No.-139 Year-2026 Thana- BIDUPUR District- Vaishali

Sunil Kumar S/O Tarun Ray Resident of Village- Dayalpur, P.S- Rajapakar,
Distt.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard Mr. Anish Kumar, learned counsel for the
petitioner and Mr. Ahmad Ali, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 24.03.2026, in connection with Bidupur P.S. Case No. 139 of 2026, F.I.R. dated 23.03.2026 registered for the offences punishable under Sections 274, 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. Recovery is of 8981.28 litres of Indian made *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 recovery has been made from the truck and altogether 8981.28 litres of Indian



made foreign liquor was recovered from the truck in question and petitioner has been made accused in the present case merely on the ground that the petitioner is the driver of the truck in question. He further submits that the petitioner is not the owner of the truck in question and it appears from the seizure list that the seizure list witnesses are Hone Guard 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 the petitioner having clean antecedent 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 Exclusive Special Excise Court No. 1-cum-District and Additional Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 139 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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