

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33465 of 2026

Arising Out of PS. Case No.-70 Year-2026 Thana- EXCISE SIMRAHI District- Supaul

Niraj Kumar S/o Shree Prasad Mehta R/o Village – Jay Nagra, Ward No. 9
P.S. - Pratapganj, Dist. - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the State : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Bindeshwar Prasad Singh, learned
counsel for the petitioner and Mr. Yogendra Kumar, learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
21.02.2026, in connection with Simrahi Prohibition & Excise
P.S. Case No. 70 of 2026, F.I.R. dated 21.02.2026 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise (Amendment) Act, 2022.

3. Recovery is of 405 litres of *Nepali Dilwale country*
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 the recovery



has been made from the vehicle in question and nothing has been recovered from the conscious possession of the petitioner. 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 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.02.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the place of occurrence and petitioner was apprehended along with the illicit liquor.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and 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 Incharge Exclusive Special Judge Excise Court-02, Supaul, in connection with Simrahi Prohibition and Excise P.S. Case No. 70 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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