

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41148 of 2026

Arising Out of PS. Case No.-513 Year-2025 Thana- Excise P.S. District- Nawada

Vickky Kumar S/o Savindra Yadav Resident of Village- Chitarkoli, P.S.-
Rajouli, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026

Heard the parties.

2. It is submitted that defects as pointed out by the
office *qua* welfare stamp duty has already been removed.

3. In view of aforesaid submission, defects as
pointed out by the office by ignored for the present.

4. The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Nawada Excise P.S.
Case No. 513/2025 registered for the offences punishable under
Section 30 (a) of the Bihar Prohibition and Excise Act.

5. The allegation against the petitioner is to be
engage in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 69 litres of IMFL/country made liquor.

6. Learned counsel appearing on behalf of the
petitioner submitted that admittedly recovery of illicit liquor was
not made from the conscious possession of this petitioner. It is



further submitted that petitioner implicated with the present case as he is the registered owner of the motorcycle, which was alleged to be used in carrying illicit liquor. It is pointed out that one of the reason behind implication of petitioner with the present case is his criminal antecedents as he found involved in 6 more cases where he is on bail in 5 cases. It is further submitted that merely on the ground of criminal antecedents prayer of bail of petitioner should not ordinarily be rejected, if merit of this case appears otherwise in favour of petitioner. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**.

7. Learned APP, opposes the prayer for bail.

8. In view of the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor prima-facie not appears to be made from the physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, Excise-2, Nawada/concerned trial court



where the case is pending in connection with Nawada Excise P.S.
Case No. 513/2025 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS with
further condition:-

(i) That petitioner shall not indulge in the
similar nature of offence till the conclusion of
trial, failing which, the State shall be at liberty to
move before the Trial Court itself for the
cancellation of bail bond of the petitioner, which
shall be decided giving opportunity of hearing to
the petitioner.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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