

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31153 of 2026

Arising Out of PS. Case No.-81 Year-2026 Thana- PAROO District- Muzaffarpur

Abhay Ray @ Abhay Kumar son of Late Yogi Rai @ Yogendra Ray Resident
of Village- Sarmastpur PS -Paroo Dist -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2026 Heard Mr. Hans Lal Kumar, learned counsel for the
petitioner and Mr Madan Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
01.04.2026, in connection with Paroo P.S. Case No. 81 of 2026,
F.I.R. dated 13.02.2026 registered for the offences punishable
under Sections 30(a), 38, 41 of the Bihar Prohibition & Excise
Amendment Act.

3. Recovery is of 243.00 litres of *illicit foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
that recovery has been made from Sarmastpur Diyara and the
name of the petitioner has been transpired on the basis of
disclosure made by local choukidar. It appears from the seizure



list that nothing has been recovered from the conscious possession of the petitioner and seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 01.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of six cases, the petitioner is on bail in five cases and one case is pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case and the fact that 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 Excise Special Judge-II, Muzaffapur in connection with Paroo P.S. Case No. 81 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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