

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33449 of 2026

Arising Out of PS. Case No.-404 Year-2026 Thana- Excise P.S. District- Gaya

1. Abhiraj Kumar S/o Sanjay Sharma R/o Village- Tankuppa, P.S - Tankuppa, District- Gaya.
2. Arjun Kumar S/o Sulendra Sao R/o Village - Barh, Betna, P.S - Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr.Niranjan Parihar, learned counsel for the petitioners and Mr.Lakshmi Kant Sharma, learned Additional Public Prosecutor for the State.

2. The petitioners seek bail, who are in custody since 23.03.2026 in connection with Excise P.S. Case No. 404 of 2026, F.I.R. dated 23.03.2026 registered for the offence punishable under Sections 30(a) & 32(3) of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 81.375 liters of foreign liquor.

4. Learned counsel appearing for the petitioners submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of



the petitioners rather the recovery has been made from the car in question and the petitioners are not the owner of the car 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 the BNSS, 2023 and the petitioners are in custody since 23.03.2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries one more case and petitioner no. 2 also carries one more case other than the present one but fairly submits that the petitioners are on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.IIIrd, Gaya in connection with Excise P.S. Case No. 404 of 2026, with the following conditions:-

(I) 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 bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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