

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32672 of 2026

Arising Out of PS. Case No.-135 Year-2026 Thana- Excise P.S. District- Buxar

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1. Utpalkant Kumar S/o Gaurishankar Ray Resident of Village- Mohanpur, Police station- Mohanpur, District- Samastipur
 2. Neeraj Kumar S/o- Awadhesh Ray Resident of Village- Mohanpur, Police station- Mohanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Mr. Ashutosh Kumar, learned counsel for the petitioners and Mr. Kalyan Shankar, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 11.04.2026 in connection with Excise Buxar P.S. Case No. 135 of 2026, F.I.R. dated 11.04.2026 for the offences punishable under Section 30(a), 32(2), 32(3) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 69.120 liters of foreign liquor of different brands.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the vehicle in question and petitioners are not the owner of the vehicle in question and the petitioners are in custody since 11.04.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent and nothing has been recovered from the conscious possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-02, Buxar in connection with Excise Buxar P.S. Case No. 135 of 2026, subject to 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 antecedent, 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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