

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32058 of 2026

Arising Out of PS. Case No.-83 Year-2026 Thana- Excise P.S. District- Saran

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Sachin Kumar S/o- Shivji Rai Resident of Village- Mahua Paschim Tola Gola
Road PS-Mahua Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2026 Heard Mr. Anish Kumar learned counsel for the

petitioner and Mr. Sanjay Kumar Tiwary, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.04.2026 in connection with Sadar Excise P.S. Case No. 83 of
2026 for the offence punishable under Sections 30(a) and 32(3)
of the Bihar Prohibition and Excise Amendment Act.

3. The case of the prosecution, in short, is that the
allegation against the petitioner is of recovery of 1560 liters of
liquor from the seized pick-up vehicle.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and it appears from the FIR and
seizure list that recovery has been made from the pickup van in
question and the recovery is of 1560 liters of liquor from the



pick-up vehicle in question and nothing has been recovered from the conscious possession of the petitioner. It is next submitted that the petitioner is not the owner of the vehicle in question. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 08.04.2026.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, 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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sadar Excise P.S. Case No. 83 of 2026, subject to the following conditions:-

i. 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.



ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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)

Gaurav Sinha/-

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