

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32233 of 2026

Arising Out of PS. Case No.-33 Year-2026 Thana- KATIHAR GRP CASE District- Katihar

Uday Kumar S/o Shiv Balak Sahani R/o Larkaniya Tola, Ward No. 19, P.S.-
Katihar Nagar, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2026 Heard Mr. Sanjeev Kumar Singh, learned counsel for
the petitioner and Mr. Humayou Ahmad Khan, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.02.2026 in connection with Katihar Rail P.S. Case No.
33/2025, F.I.R. dated 17.02.2026 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 190.355 liters of foreign liquor from
the general coach of Train No. 15724 standing at Katihar
Railway Station.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has 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 petitioner rather the recovery has been made from train in question and the petitioner has been made accused merely on the basis of suspicion. The co-accused person, namely, Vishal Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 08.04.2026 passed in Cr. Misc. No. 23251/2026. He further submits that there is non-compliance of Section 100 of Cr.P.C/103 of BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one more criminal antecedent other than the present one.

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 Court of Exclusive Special Excise Court-II, Katihar in connection with Katihar Rail P.S. Case No. 33/2025, 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)

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