

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33491 of 2026

Arising Out of PS. Case No.-220 Year-2026 Thana- RIVILGANJ District- Saran

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Gautam Prasad S/o Late Tarkeshwar Prasad @ Tarkeswar Parsad @ Tarkeshwar Sah R/o Village - (Nayaka) Nayka Barka Baiju Tola, P.S. - Rivilganj(Revilganj), District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashad, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Ashad, learned counsel for the petitioners
and Mr. Nirmal Kumar Sinha, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 18.04.2026, in connection with Revilganj P.S. Case No. 220 of 2026, F.I.R. dated 17.04.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. Recovery is of 215.96 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 215.96 litres of foreign liquor was recovered from E-Rickshaw.



He further submits that the petitioner is not the owner of the E-Rickshaw in question and the 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 18.04.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and 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 02nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Revilganj P.S. Case No. 220 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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