

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33509 of 2026

Arising Out of PS. Case No.-557 Year-2026 Thana- Excise P.S. District- Bhagalpur

Sintu Kumar S/o Chamru Roy @ Chamru Ray R/V Chamatha Laxmantol @
Chamatha Laxmantola, ward no.8, PS- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Anuj Kumar, learned counsel for the
petitioner and Mr. Umanath Mishra, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
09.04.2026, in connection with Excise (Sadar) Bhagalpur P.S.
Case No. 557 of 2026, F.I.R. dated 08.04.2026 registered for the
offences punishable under Sections 30(a) and 47 of the Bihar
Prohibition & Excise Act, 2016.

3. Recovery is of 788.040 litres of *Indian made
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 nothing has
been recovered from the conscious possession of the petitioner



rather recovery has been made from the vehicle in question and the petitioner is not the owner of the vehicle in question and altogether 788.040 litres of Indian made foreign liquor was recovered from the vehicle in question. It appears from the seizure list that the seizure list witnesses are Bihar Home Guard personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 09.04.2026.

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 nothing has been recovered from the conscious possession of the petitioner 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 Exclusive Special Excise Judge-I, Bhagalpur, in connection with Excise (Sadar) Bhagalpur P.S. Case No. 557 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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