

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33623 of 2026

Arising Out of PS. Case No.-71 Year-2026 Thana- Excise P.S. District- Araria

Wakil Kumar @ Wakil Kumar S/o Amani Yadav Resident of Village- Barhara
P.S.- Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Gopal Kumar Jha, learned counsel for
the petitioner and Mr. Rana Randhir Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.02.2026 in connection with Araria P.S. Case No. 71 of 2026
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The case of the prosecution, in brief, is that the
allegation is of recovery of 100.08 liters of nepali liquor from
the motorcycle.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and from perusal of the FIR and
seizure list it appears that altogether 100.08 liters of nepali
liquor has been recovered from the motorcycle which suggests



that nothing has been recovered from the conscious possession of the petitioner and petitioner has been made an accused in this case on the basis of suspicion. 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 23.02.2026.

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 Exclusive Special Judge Excise-II, Araria in connection with Araria P.S. Case No. 71 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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