

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36787 of 2026

Arising Out of PS. Case No.-457 Year-2026 Thana- Excise P.S. District- Kishanganj

1. Md. Muntasir @ Md. Muntazir Alam @ Md. Muntajir S/o Md. Wasi @ Mohammad Wasik @ Md. Osi R/o Village - Maithari, PS. - Joki Hat, District - Araria.
2. Md. Tausif S/o Md. Kaiyum R/o Village - Sisona(Sinauna), PS. - Jokihat, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2026 Heard Mr. Ram Prawesh Kumar, learned counsel
for the petitioners and Ms. Shaheen Begum, learned Additional
Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
19.04.2026 in connection with Madya Nisedh P.S. Case No. 457
of 2026, F.I.R. dated 18.04.2026 for the offences punishable
under Section 30(a) and 32(3) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 181.560 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioners are innocent and they have 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 petitioners rather the recovery has been made from the vehicle in question. He further submits that there is non-compliance of Section 103 and 105 of BNSS. The petitioners are in custody since 19.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.2 carries one criminal antecedent and petitioner no.1 has clean antecedent.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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, Kishanganj in connection with Madya Nisedh P.S. Case No. 457 of 2026, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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