

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36724 of 2026

Arising Out of PS. Case No.-48 Year-2026 Thana- KOPA District- Saran

Uttam Chaudhary @ Uttam Kumar Chaudhary Son of Uma Shankar Chaudhary Resident of Village - Pojhia, P.S. - Kopa, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.04.2026 in connection with Kopa P.S. Case No. 48 of 2026 for the offence punishable under Section 30(a) of the Bihar Excise and Prohibition Act.

3. The case of the prosecution, in brief, is that on 22.02.2026, the police got secret information that illicit liquor is kept in the bushes behind the house of Uttam Kumar. On the said information, the police reached near the house of Uttam Kumar where on seeing the police jeep, one person fled away from the spot. Upon inquiry, the local villagers disclosed the name of fled person as Uttam Kumar (petitioner here). On searching, the police recovered total 29.280 litres illicit foreign liquor from the bushes behind the house of this petitioner. Thereafter, police seized the illicit liquor and prepared seizure list in presence of two witnesses from raiding party.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the bush behind the house of the petitioner. It is next submitted that there is non-compliance of mandatory provisions of Section 103 of BNSS, 2023 and petitioner is in custody since 29.04.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of six cases other than the present case but fairly submits that petitioner is on bail in the pending matters.

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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Kopa P.S. Case No. 48 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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