

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37633 of 2026**

Arising Out of PS. Case No.-132 Year-2026 Thana- KALYANPUR District- Samastipur

Md. Sonu @ Mohammad Sonu Son of Late Mumtaj @ Late Md. Mumtaj @
Md. Mumtaj Resident of Birmapatti, P.S.- Khampar, District - Deoria (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-06-2026 Heard Mr. Amar Kumar Singh, learned counsel
for the petitioner and Mr. Syed Mojibur Rahman, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.04.2026 in connection with Kalyanpur P.S. Case No. 132 of
2026, F.I.R. dated 24.04.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 345.6 liters of foreign liquor from a
truck and 43.2 liters of foreign liquor from toto.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has 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 petitioner rather



the recovery has been made from truck and toto in question and the petitioner has been made accused merely on the ground that he is the driver of the truck in question and the petitioner has no knowledge about the illicit liquor kept in the truck. He further submits that there is non-compliance of Section 103 and 105 of BNSS. The petitioner is in custody since 25.04.2026.

5. The learned Additional Public Prosecutor 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)-I, Samastipur in connection with Kalyanpur P.S. Case No. 132 of 2026, subject to the following conditions:-

i. One of the bailor shall be close relative (father or mother) of the petitioner.

ii. 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.



iii. 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.

iv. 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)

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