

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37314 of 2026

Arising Out of PS. Case No.-27 Year-2026 Thana- EXCISE SONPUR District- Saran

1. Safiq @ Safic @ Safique Son of Allauddin Ansari Resident of Village- Fatehpur Kala, P.S.- Chandauli, District- Chandauli (U.P.).
2. Gyasuddin Mumtaz Salmani @ Gyasuddin Mumtaz Son of Mumtaz Ali Resident of Village- Baghi Naugarh, P.S.- Naugarh, District- Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2026 Heard Mr. Brajesh Kumar Singh, learned counsel for the petitioners and Mr. Anil Kumar, the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 21.04.2026 in connection with Sonepur Excise P.S. Case No.27 of 2026, F.I.R. dated 20.04.2026 registered for the offence punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery of 172.800 liters of foreign liquor.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. It appears from the FIR as well as the seizure list that the recovery has



been made from the vehicles in question and petitioners are driver of the vehicles in question and they have no knowledge about the illicit liquor in question which were kept in the vehicles in question and altogether 172.800 litres of Indian made foreign liquor was recovered from the vehicles in question. Learned counsel for the petitioners submits that from a bare perusal of the FIR it appears that the seizure list witnesses are Bihar Homeguard personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 21.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact and petitioners have clean antecedent, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sonapur Excise P.S.Case No.27 of 2026, with the following conditions:-

(I) One of the bailors should be the close relative (Father/Mother) of the Petitioners.

(II) 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.

(III) 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.

(IV) 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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