

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40947 of 2026

Arising Out of PS. Case No.-79 Year-2026 Thana- Excise P.S. District- Bhojpur

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Kunal Kumar @ Kunal Prasad S/O Munna Lal Prasad Resident of Village-
Bind toil, Ward No. 5, P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2026 Heard Mr. Uday Pratap Singh, learned counsel for

the petitioner and Mrs. Shaheen Begum, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
08.04.2026, in connection with Excise P.S. Case No. 79 of 2026,
F.I.R. dated 07.04.2026 registered for the offences punishable
under Section 30(a) of the Excise Act.

3. Recovery is of 182.600 litres of *country made*
liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. From perusal of the F.I.R. as well as seizure list, it
appears that altogether 182.600 litres of country made liquor
was recovered from the house of the petitioner. Learned



counsel for the petitioner further submits that from perusal of the F.I.R. as well as seizure list that the seizure list witnesses are Bihar Home Guard police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. II, Bhojpur at Ara in connection with Excise P.S. Case No. 79 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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