

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39826 of 2026

Arising Out of PS. Case No.-318 Year-2026 Thana- BANIAPUR District- Saran

Kaku Nat @ Kirani Nat S/O Chandrika Nat R/O Vill.- Kopa, P.S- Kopa,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh No. I, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr.Ajay Kumar Singh No. I, learned counsel
for the petitioner and Mr.Nirmal Kumar Sinha, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
22.04.2026 in connection with Baniyapur P.S. Case No. 318 of
2026, F.I.R. dated 21.04.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. Recovery is of 250 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that from a bare perusal of the FIR it appears that
nothing has been recovered from conscious possession of the
petitioner rather the recovery has been made from the Pick-Up
Van in question and altogether 250 liters of illicit liquor was



recovered from the vehicle in question and petitioner alongwith co-accused persons, who were apprehended at the place of occurrence. Learned counsel for the petitioner submits that the petitioner is not the owner of the vehicle in question and the seizure list witnesses are police personnel, so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 22.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended at the place of occurrence, apart from that, the petitioner carries three more cases other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned 1st Exclusive Special Excise Court, Saran at Chapra in connection with Baniyapur P.S. Case No. 318 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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