

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37474 of 2026

Arising Out of PS. Case No.-170 Year-2026 Thana- Excise P.S. District- Banka

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Kumit Kumar S/o Rabin Prasad @ Rabin Prasad Yadav Resident of vill-
Tikarampur, P.S- Mufassil, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Dhananjay Kumar Pandey, learned counsel

for the petitioner and Mr. Anil Kumar, the learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
16.04.2026 in connection with Banka Excise P.S. Case No. 170
of 2026, F.I.R. dated 16.04.2026 registered for the offence
punishable under Sections 30(a) and 32(3) of Bihar Prohibition
and Excise Amendment Act, 2018.

3. Recovery is of 400.140 liters of Indian made
foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR as well as the seizure list that the recovery has been
made from the vehicle in question and altogether 400.140 liters



of Indian made foreign liquor was recovered from the vehicle in question and petitioner is not the owner of the vehicle in question rather the petitioner is driver of the vehicle in question. It appears from the FIR as well as the seizure list that 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 16.04.2026.

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

6. Considering the aforesaid fact, petitioner has clean antecedent, 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 Special Judge, Exclusive Excise Court-2, Banka in connection with Banka Excise P.S. Case No. 170 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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