

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38020 of 2026

Arising Out of PS. Case No.-119 Year-2026 Thana- MAKER District- Saran

1. Sudhanshu Kumar @ Sidhu Kumar son of Hanuman Thakur Resident of village -Jagarnathpur PS -Saraiya District -Muzaffarpur
2. Ajay Kumar Pandey @ Golu Pandey Son of Brajram Pandey Resident of village -Jagarnathpur PS -Saraiya District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2026 Heard Mr. Abhay Kumar Mishra, learned counsel
for the petitioners and Mr. Bishweshwar Ram, learned APP for
the State.

2. Petitioners seek bail, who are in custody since
16.04.2026, in connection with Maker P.S. Case No. 119 of
2026, F.I.R. dated 15.04.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act.

3. Recovery is of 36.22 litres of *foreign* liquor.

4. Learned counsel for the petitioners submits that the
petitioners have clean antecedents and they have been falsely
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 petitioners rather recovery has been made from the vehicle in question and petitioners are not the owner of the vehicle in question. It appears from the F.I.R. as well as 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 petitioners is in custody since 16.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that nothing has been recovered from the conscious possession of the petitioners and petitioners are not the owner of the vehicle in question and there is non-compliance of Sections 103 and 105 of BNSS, 2023 .

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Maker P.S. Case No. 119 of 2026, subject to the following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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.

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(Rajesh Kumar Verma, J)

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