

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39934 of 2026

Arising Out of PS. Case No.-395 Year-2026 Thana- EXCISE NAUGACHIA District-
Bhagalpur

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Md. Ahad Son of Md. Safik Resident of village - Saharsa Basti Ward No. 38,
Police Station - Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Baijnath Sah, learned counsel for the

petitioner and Mr. Pradeep Narain Kumar, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
11.04.2026, in connection with Saran Excise (Naugachia) P.S.
Case No. 395 of 2026, F.I.R. dated 10.04.2026 registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 447.84 litres of Indian made *foreign*
liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it



appears from the F.I.R. that altogether 447.84 litres of Indian made foreign liquor was recovered from the Pick-up van in question and petitioner is not the owner of the Pick-up van in question and petitioner has been made accused merely on the ground that the petitioner is the driver of the vehicle in question and petitioner has no knowledge about the illicit liquor and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 11.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and recovery has been made from the vehicle in question and petitioner is not the owner of the vehicle in question and 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 Excise Judge-1, Bhagalpur Camp at Naugachia in connection with Saran Excise (Naugachia) P.S. Case No. 395 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 her absence on two consecutive dates without sufficient reason, her 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 her 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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