

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40179 of 2026

Arising Out of PS. Case No.-160 Year-2026 Thana- AURANGABAD TOWN District-
Aurangabad

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Babu @ Mukesh Kumar S/o Sarju Prasad @ Saryu Prasad Gupta R/o Mohalla
Shahpur Akhada, P.S.- Town, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short is that 57 liters
and 27 liters of illicit liquor were recovered from two places
from different persons. The apprehended persons disclosed that
the petitioner has delivered them the illicit liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner has submitted that nothing has been
recovered from the possession of this petitioner. It has further



been submitted that the witnesses of the seizure list are police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. The name of this petitioner has surfaced in the statement of the apprehended co-accused persons. He has been framed in this case only on the basis of his criminal antecedents. He is languishing in judicial custody since 20.04.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that petitioner is having criminal antecedent of 14 cases out of which 13 are of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Aurangabad Town P.S. Case No. 160 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.I, Aurangabad **with the following conditions:-**

(i) The petitioner shall cooperate in the trial and shall remain physically present on each and every fixed date



in the learned trial court.

**(ii) He shall also mark his attendance weekly at
Town P.S.**

7. Office is directed to communicate this order to the
Superintendent of Police, Aurangabad.

(Ashok Kumar Pandey, J)

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