

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38704 of 2026**

Arising Out of PS. Case No.-372 Year-2026 Thana- Excise P.S. District- Aurangabad

Subham Kumar S/o Late Hajari Paswan R/o Village- Gamhariya, P.S- Mali,  
Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mukul Kumari, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-06-2026                      Heard Ms. Mukul Kumari, learned counsel for the  
  
petitioner and Mr. Mritunjay Kumar Nirala, learned Additional  
  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
09.04.2026 in connection with Excise P.S. Case No. 372 of  
2026, F.I.R. dated 08.04.2026 for the offences punishable under  
Section 30(a), 32(3), 41(1) and 41(2) of the Bihar Prohibition  
and Excise Act, 2018.

3. Recovery is of 495 liters of country made liquor.

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



rather the recovery has been made from vehicle in question and the petitioner is neither the owner nor the driver of the vehicle in question. She further submits that there is non-compliance of Section 103 and 105 of BNSS. The petitioner is in custody since 09.04.2026.

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

6. Considering the aforesaid facts and circumstances as well as the fact that petitioner has clean antecedent and there is non compliance of Section 103 and 105 of BNSS, 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 the learned Special Judge of Excise-II, Aurangabad in connection with Excise P.S. Case No. 372 of 2026, subject to 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 absence on two consecutive dates without sufficient reason, his 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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