

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40767 of 2026

Arising Out of PS. Case No.-157 Year-2026 Thana- DURGAWATI District- Kaimur (Bhabua)

Sonu Kumar S/o Ajay Ray Resident of Village-Dautpur Bagica ,P.S-
Sahpur ,Dist- Patna

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Rakesh Bihari Singh, learned counsel for
the petitioner and Mr. Nityanand, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.05.2026 in connection with Excise Durgawali P.S. Case No.
157 of 2026, F.I.R. dated 05.05.2026 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Recovery is of 557.85 liters of illicit English wine.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 petitioner rather the recovery of



altogether 557.85 liters of illicit English wine has been made from the vehicle in question. He further submits that the petitioner has no concern at all from the recovery of the illicit liquor. It appears from the seizure list that seizure list witnesses are police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 06.05.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended from the place of occurrence and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submit that he is on bail in the said case.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Judge Excise-ii, Kaimur, Bhabua in connection with Excise Durhawati P.S. Case No. 157 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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