

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38880 of 2026

Arising Out of PS. Case No.-131 Year-2026 Thana- GUTHANI District- Siwan

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1. Suraj Kumar S/o Ritesh Kumar R/o Village- Manikpur Pakdi ,P.S-
Lalganj ,Distt- Vaishali
 2. Ranjan Kumar S/o Jangbhadur Gond @ Jang Bahadur R/o Vill-Panditpura
,P.S- Bankata ,Distt -Deoria Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Rai, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard Mr.Abhishek Rai, learned counsel for the

petitioners and Mr.Kumar Ranjit Ranjan, learned A.P.P. for the

State.

2. The petitioners seek bail, who are in custody since

13.04.2026 in connection with Guthani P.S. Case No. 131 of

2026, F.I.R. dated 12.04.2026 registered for the offence

punishable under Section 30(a) of Bihar Prohibition and Excise

Act.

3. Recovery is of 249 liters 120 Ml of illicit liquor.

4. Learned counsel appearing for the petitioners

submits that the petitioners have clean antecedent. It appears

from the FIR as well as the seizure list that nothing has been



recovered from conscious possession of the petitioners rather the recovery has been made from the vehicle in question and petitioners are not the owner of the vehicle in question. It appears from the FIR as well as the seizure list that the seizure list witnesses are Bihar Homeguard personnel, apart from the aforesaid, there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 13.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, petitioners have clean antecedent, nothing has been recovered from conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Siwan in connection with Guthani P.S. Case No. 131 of 2026, with the following conditions:-

(I) 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 bond shall be cancelled by the Court below.

(II) If the petitioners tamper 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 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.

(Rajesh Kumar Verma, J)

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