

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41138 of 2026

Arising Out of PS. Case No.-318 Year-2026 Thana- BANIAPUR District- Saran

1. Aman Kumar Nat @ Aman Kumar Nut S/O Dhudhali Nat @ Gugali Kumar Nut R/o Vill -Safari ,P.S -Ekma ,Dist- Saran 841208
2. Sonu Kumar S/o Ganesh Sapera R/o Vill -Garaul ,P.S -Garaul ,Dist- Vaishali 844118, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pallawi Kumari, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

3 31-07-2026 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail, who are in custody since 22.04.2026 in connection with Baniyapur P.S. Case No. 318 of 2026, F.I.R. dated 21.04.2026 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 250 liters of illicit liquor.

4. Learned counsel appearing on behalf of the petitioners submit that from bare perusal of the FIR, it appears that noting has been recovered from the conscious possession of the petitioners rather the recovery of 250 liters of illicit liquor has been made from the Pick-Up Van in question. He further submits that the petitioners alongwith another co-accused have



been apprehended at the place of occurrence on the basis of suspicion. Learned counsel appearing on behalf of the petitioners further submits that neither the petitioners are the owner nor they are the driver of the vehicle in question. He further submits that the seizure list witnesses are police personnel and no independent witness has come forward to support the prosecution case. Hence, there is non-compliance of Sections 103 and 105 of BNSS, 2023. Moreover, co-accused, Kaku Nat, who has been apprehended on the spot, has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2026 passed in Cr. Misc No. 39826 of 2026. The petitioners have no criminal antecedents and are in custody since 22.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioners were apprehended at the place of occurrence, however, he admits that the petitioners have got clean antecedent.

6. Considering the aforesaid fact, 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 Special Judge-I (Excise Act), Saran at Chapra in connection with Baniyapur P.S.



Case No. 318 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 his/her absence on two consecutive dates without sufficient reason, his/her 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 antecedents 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 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.

(Girijish Kumar, J)

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