

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39392 of 2026

Arising Out of PS. Case No.-72 Year-2026 Thana- MADHWAPUR District- Madhubani

Sunil Mandal S/o Maheshwar Mandal R/o - Bhima Makresar, P.S - Pupari,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr. Sanjay Kumar Jha, learned counsel for
the petitioner and Mr. Akbar Ali, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 03.05.2026, in connection with Madhwapur P.S. Case No. 72 of 2026, F.I.R. dated 03.05.2026 registered for the offences punishable under Sections 274, 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition & Excise Act.

3. Recovery is of 300.00 litres of *Nepali country made* liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 recovery has been made from the place of occurrence and petitioner has been made accused merely on the basis of suspicion and except the suspicion, nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 03.05.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Madhubani in connection with Madhwapur P.S. Case No. 72 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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.

(Rajesh Kumar Verma, J)

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