

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43973 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- KUWARI District- Araria

Md. Asif Son of Md. Tabrej Resident of Village- Lalokhar (Lailokhar)
Garaiya, Ward No. 12, P.S.- Kuwari, District- Araria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Mr. Madhav Jha, learned counsel for the

petitioner and Mr. Lakshmi Kant Sharma, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.04.2026 in connection with Kuwari P.S. Case No. 28 of
2026, F.I.R. dated 15.04.2026 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act 2016.

3. Recovery is of 52.200 litres of Nepali Umanga
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. 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.



Altogether 52.200 litres of Nepali Umanga country made liquor was recovered from the E-Rickshaw in question. It appear from the F.I.R. and seizure list that seizure list witnesses are police personnel so there is non compliance of Section 103/105 of the BNSS. The petitioner is in custody since 16.04.2026.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, the recovery has been made from E-Rickshaw in question and there is non compliance of Section 103/105 of the 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 Exclusive Special Judge (Excise)-II, Araria. in connection with Kuwari P.S. Case No. 28 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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