

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43325 of 2026

Arising Out of PS. Case No.-256 Year-2026 Thana- Excise P.S. District- Lakhisarai

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Kailash Kumar S/O Late Chandrika Modi R/V- Khaira, Purwari Tola, ward
No. 16, PS- Kajra, Distt-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Mr. Devendra Prasad Singh, learned counsel

for the petitioner and Mr. Braj Kishore Pd. learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.05.2026 in connection with Lakhisarai P.S. Case No. 256C2
of 2026, F.I.R. dated 05.05.2026 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. Recovery is of 60 liters of *Chulai* liquor.

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 has



been made from motorcycle in question and the petitioner has been made accused merely on the basis that he is the owner of the motorcycle in question. 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 petitioner carries four criminal antecedents other than the present one of similar nature but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

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 A.D.S.J.-VII-cum-Excise Special Court-II, Lakhisarai in connection with Lakhisarai P.S. Case No. 256C2 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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