

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39390 of 2026

Arising Out of PS. Case No.-31 Year-2026 Thana- VISHAMBHARPUR District- Gopalganj

Ram Pravesh Rai S/o Kashee Ray @ kashi Rai Resident of Vill- Yadopur,
Mauje P.S- Yadopur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr. Nilesh Kumar Pandey, learned counsel
for the petitioner and Mr. Shahabuddin Azeem @ S. Azeem,
learned APP for the State.

2. Petitioner seeks bail, who is in custody since
18.03.2026, in connection with Vishambharpur P.S. Case No. 31
of 2026, F.I.R. dated 18.03.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act, 2016.

3. Recovery is of 405.00 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent 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 vehicle in question and petitioner is not the owner of the motorcycle in question. Petitioner is the driver of the vehicle in question and altogether 405 litres of country made liquor was recovered from the vehicle in question. It appears from the F.I.R as well as seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that 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



Excise Court-II, Gopalganj in connection with Vishambharpur
P.S. Case No. 31 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)

Ibrar//-

U		T	
---	--	---	--

