

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39322 of 2026

Arising Out of PS. Case No.-38 Year-2026 Thana- EXCISE MAHAMMADPUR District-
Gopalganj

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Suresh Prasad Son of Jagarnath Prasad @ Jagarnath Sah Resident of Village-
Sher, P.S.- Sidhwalia, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr. Javed Aslam, learned counsel for the

petitioner and Mr. Syed Mojibur Rahman, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.05.2026 in connection with Mohammadpur Excise P.S. Case
No. 38 of 2026, F.I.R. dated 04.05.2026 for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 03.06 liters of foreign 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 although the recovery has
been made from the possession of the petitioner but it appears



from the seizure list that seizure list witnesses are police personnel so there is non-compliance of Section 103 and 105 of BNSS. The petitioner is in custody since 05.05.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three 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 Exclusive Special Excise Court No. II, Gopalganj in connection with Mohammadpur P.S. Case No. 38 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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