

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41628 of 2026

Arising Out of PS. Case No.-81 Year-2026 Thana- ITARHI District- Buxar

Ujjval Kumar @ Ujjwal Kumar Paswan @ Ujjwal Kumar S/O Sudarshan
Pasvan Resident of Village and P.O- Jigna, P.S. Sikraul, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Adv. Mr. Nitesh Kumar, Adv.
For the Opposite Party/s	:	Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

3 27-07-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Itarhi P.S. Case No. 81 of 2026, registered for the offences punishable under Sections 115(2), 109, 132, 125(a), 125(b), 338, 336(3), 318(4) and 3(5) of the BNS, 2023 and Section 30(a) of the Bihar Excise Amendment Act, 2022.

3. The prosecution case, in brief, is that on 03.05.2026, acting on a secret information, the police intercepted two motorcycles allegedly carrying illicit liquor on the *Sareja-Kukura* road. It is alleged that despite being signalled to stop, the riders attempted to flee away and in the said attempt, one of the motorcycles hit a trainee Sub-



Inspector, causing injuries. Thereafter, one accused, namely Rahul Kumar was apprehended at the spot, while the remaining three persons succeeded to escape. It is further alleged that total 37.20 litres of foreign liquor and 12.800 litres of country-made liquor was recovered from the said motorcycles. During interrogation, the apprehended accused person allegedly disclosed the names of the absconding co-accused including *Ujjval Kumar @ Ujjwal Kumar Paswan*, the present petitioner. On the basis of the said allegation, the petitioner has been implicated in the present case.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It has been contended that nothing has been recovered from the conscious possession of the petitioner. He has further submitted that he was sitting on one of the motorcycles and has not caused any injury to the Sub-Inspector as per his own confession. There is no direct allegation against the petitioner. The petitioner was not arrested at the spot and his name transpired on the basis of the confessional statement of *Rahul Kumar*. He has also submitted that no Test Identification Parade was conducted. The petitioner is a student, as mentioned in paragraph no. 8 of



the main bail application and the certificate of his educational qualification has been annexed as Annexure-P/2. He has next submitted that one of the co-accused persons, namely Manish Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2026 passed in Cr. Misc. No. 40621 of 2026. The petitioner is a person of clean antecedent and has remained in judicial custody since 10.05.2026. He undertakes to cooperate with the investigation and the trial and further undertakes not to repeat an offence of a similar nature.

5. On the other hand, learned APP for the State has though opposed the prayer for bail but fairly submits that, one of the co-accused has already been enlarged on bail.

6. Taking into account the entire facts and circumstances of the case, coupled with the fact that the petitioner is a person of clean antecedent and one of the co-accused has been granted bail, let the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Buxar/concerned court in connection with Itarhi P.S. Case No. 81 of 2026, subject to the following conditions:-



(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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