

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40938 of 2026

Arising Out of PS. Case No.-147 Year-2026 Thana- DORIGANJ District- Saran

Birendra Nut @ Birendra Nat S/O Lakshman Nut R/O Village- Musepur Nut
Toli, P.S.- Doriganj, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Alok Kumar Alok, learned counsel for
the petitioner and Mrs. Pushpa Sinha-1, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
07.05.2026, in connection with Doriganj P.S. Case No. 147 of
2026, F.I.R. dated 14.03.2026 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act.

3. Recovery is of 26.00 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 on the basis of suspicion. He further submits that it
appears from the F.I.R. that altogether 26 litres of country made
liquor was recovered from the place of occurrence. As per



allegation in the F.I.R. the petitioner was fled away from the place of occurrence. He further submits that in fact the petitioner was not present at the place of occurrence and the petitioner has been implicated in the present case due to previous criminal antecedent. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 07.05.2026.

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 three more case of similar nature other than the present one.

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 No. 3, saran at Chapra in connection with Doriganj P.S. Case No. 147 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 her absence on two consecutive dates without sufficient reason, her 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 her 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)

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