

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40761 of 2026

Arising Out of PS. Case No.-116 Year-2026 Thana- Excise P.S. District- Saran

Deepak Rai @ Dipak Rai S/o- Upendra Rai R/Village- Mahamada PS-Garkha
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.05.2026 in connection with Saran Excise P.S. (Sadar) Case
No. 116 of 2026, F.I.R. dated 21.05.2026 for the offences
punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise Act, 2018.

3. Recovery is of 120.960 liters of illicit 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 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 the vehicle in question and petitioner is not the owner of the said vehicle. He further submits that the petitioner has no concern at all from the recovery of the illicit liquor. It appears from the seizure list that seizure list witnesses are police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 21.05.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that recovery has been made from the vehicle in question and petitioner is not the owner of the vehicle in question, 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 Judge-03, Saran at Chapra in connection with Saran Excise P.S. (Sadar) Case No. 116 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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