

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41676 of 2026

Arising Out of PS. Case No.-216 Year-2026 Thana- BIDUPUR District- Vaishali

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Akhilesh Kumar S/o- Vijay Paswan Resident of Village- Mayl Maile ward No
10 Police Station- Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Ranjeet Kumar, learned counsel for the
petitioner and Mr.Kanhiya Kishor, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
08.05.2026, in connection with Bidupur P.S. Case No. 216 of
2026, F.I.R. dated 08.05.2026 registered for the offences
punishable under Sections 274, 275 of the B.N.S. and Section
30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 600.00 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent 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 Tempo in question and



altogether 600.00 litres of country made liquor was recovered from the Tempo in question. He further submits that the petitioner has been made accused in the present case merely on the ground that the petitioner is the driver of the Tempo in question and he has no concern at all with the alleged recovery of illicit liquor. 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 08.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is non-compliance of Sections 103 and 105 of the BNSS, 2023 as well as petitioner is not the owner of the Tempo in question, 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 Incharge Exclusive Special Excise Curt No. 1 cum Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 216 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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