

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43411 of 2026

Arising Out of PS. Case No.-231 Year-2023 Thana- KALYANPUR District- Samastipur

Vijay Kumar Choudhary Son of Rameshwar Choudhary Resident of Village-
Bisnu Patti, Ward No.-11, P.S.- Mahisaur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Mr.Shashank Shekhar, learned counsel for the

petitioner and Mr.Pradeep Narain Kumar, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
02.05.2026 in connection with Kalyanpur P.S. Case No. 231 of
2023, F.I.R. dated 31.07.2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. Recovery is of 505.5 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. Further submits
that it appears from the FIR that altogether 505.5 liters of
Indian made foreign liquor was recovered from the vehicle in
question and petitioner was not apprehended at the place of



occurrence and petitioner has been made accused in the present case merely on the ground that he is owner of the vehicle in question. In fact the petitioner has sold the vehicle in question to one Umesh Kumar Singh in the year 2022 itself but said Umesh Kumar Singh has not transferred the ownership of the vehicle in question in his favour so petitioner has been implicated in the present case and the petitioner is in custody since 02.05.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, he has already sold the vehicle in question in the year 2022 itself and petitioner has been made accused in the present case merely on the ground that he is 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 learned Exclusive Special Excise Judge-I, Samastipur in connection with Kalyanpur P.S. Case No. 231 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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