

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42160 of 2026

Arising Out of PS. Case No.-312 Year-2026 Thana- HAJIPUR SADAR District- Vaishali

1. Mukesh Kumar S/o Suresh Rai @ Suresh Ray R/o Village - Balwa Visunpur Balaghri @ Balwa Kuwari, P.S - Hajipur Sadar, District - Vaishali
2. Ramnath Ray S/o Late Pradip Rai @ Pradip Ray Resident of Village- Balwa Vishunpur Balaghari @ Balwa, P.S - Hajipur Sadar, District - Vaishali
3. Nitish Kumar S/o Parmeshwar Sahni @ Parmeshwar Shani R/o Village - Pahitiya @ Pahitiya, P.S - Kajipur, District - Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Hajipur Sadar P.S. Case No. 312 of 2026 registered for the alleged offences under Sections 317(5) of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, petitioners were found transporting 120.3 liters of foreign liquor in a car when their car was intercepted on the basis of a tip off.

04. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. Search and seizure has not been made in compliance of the mandatory provisions of law. Learned counsel further submits that the petitioners are not the owner of the vehicle. Though petitioner no. 1 was the driver and other two petitioners were co-passengers on the said vehicle and they had been returning from a marriage and they were having no knowledge about liquor kept in the vehicle. Learned counsel further submits that the petitioner nos. 2 and 3 are having clean antecedent whereas petitioner no. 1 is having antecedent of one case of similar nature in which he is on bail. The petitioners are in custody since 15.05.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of recovery and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Vaishali at



Hajipur/court concerned in connection with Hajipur Sadar P.S.
Case No. 312 of 2026, subject to the conditions mentioned in
Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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