

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41728 of 2026

Arising Out of PS. Case No.-332 Year-2026 Thana- Excise P.S. District- Siwan

Shekhar Kumar @ Sekhar Kumar Son of Navin Kumar Singh @ Naveen Kumar Resident of Village- Bhadai (Bhadahi), P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2026 Heard Mr. Sanjay Kumar Pandey, learned counsel
for the petitioner and Mr. Parmanand Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.04.2026 in connection with Siwan (Sadar) Excise P.S. Case No. 332 of 2026, F.I.R. dated 25.04.2026 for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. Recovery is of 146.880 liters of illicit foreign liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent 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 one pickup van in question and petitioner is not the owner of the said pickup van in question. It appears from the F.I.R. and seizure list that seizure list witnesses are police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. And police after submitted charge sheet against the petitioner. The petitioner is in custody since 26.04.2026.

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

6. Considering the aforesaid facts and circumstances that petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner, petitioner is not the owner of the vehicle in question and there is non-compliance of Section 103/105 of the BNSS, 2023, 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 Court No. II, Siwan in connection with Siwan (Sadar) Excise P.S. Case No. 332 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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