

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43321 of 2026

Arising Out of PS. Case No.-179 Year-2026 Thana- Excise P.S. District- Araria

Vivek Raj Son of Sikendra Prasad Yadav R/O Village - Madhubani, Ward No. 01, P.S.- K. Hat, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Mr. Madhav Kumar, learned counsel for the petitioner and Mr. Arun Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.05.2026 in connection with Araria Excise P.S. Case No. 179 of 2026, F.I.R. dated 19.05.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 107.64 liters of 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 car in question and the petitioner is the co-driver of the car in question and he has no concern at all with the alleged recovery of liquor. He further submits that seizure list witnesses are police personnel so, there is non-compliance of Section 103 and 105 of BNSS. The petitioner is in custody since 19.05.2026.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Section 103 and 105 of BNSS, 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 Judge Excise, Araria in connection with Araria Excise P.S. Case No. 179 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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