IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69049 of 2026

CNR No. BRHC010997552026

Arising Out of PS. Case No.-796 Year-2026 Thana- Excise P.S. District- Kishanganj

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Subodh Kumar Tiwari S/o Biltu Tiwari Resident of Village - Bahilwara, Khormpur, Tiwari Tola, Police Station - Saraia in the district of Muzaffarpur.

... ... 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. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Special Case No. 814 of 2026 arising out of Kishanganj Excise (Madya Nisedh) P.S. Case No. 796 of 2026 instituted for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 2796 litres of liquor was recovered from a truck.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious

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possession of the petitioner. Learned counsel further submitted that petitioner is not the owner of the vehicle. It is further submitted that petitioner is the driver of the vehicle in question but he had no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 23.07.2026 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed,*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 814 of 2026 arising out of Kishanganj Excise (Madya Nisedh) P.S. Case No. 796 of 2026, subject to the following conditions:

(I) One of the bailors shall be the petitioner’s own or a close family member.

(II) The petitioner shall appear on each and every date

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fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not commit any offence of a similar nature in future.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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