IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76967 of 2026

CNR No. BRHC011007412026

Arising Out of PS. Case No.-1219 Year-2026 Thana- PHULWARISHARIF District- Patna

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1. Vikash Kumar S/o Ajay Das Resident of Mohalla - Bochachak, Ward No 3, P.S. - Phulwari Sharif, District - Patna.
2. Suraj Kumar S/o Late Birbal Das Resident of Mohalla - Bochachak, Ward No 3, P.S. - Phulwari Sharif, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Phulwari Sharif P.S. Case No. 1219/2026 lodged on 16.07.2026 under Sections 281, 109, 318(4), 338, 336(3), 3(5) of B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total recovery of 100 litres of country made liquor is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence.

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Learned counsel further submits that no recovery has been made from the conscious possession of the petitioners. Rather, the alleged contraband is stated to have been recovered from a scooty that does not belong to the petitioners. It is further submitted that the petitioners were merely passersby and were apprehended solely on suspicion. The petitioners have been in custody since 17.07.2026. Petitioner No. 1 is also an accused in two other criminal cases, in which he has been granted bail, whereas Petitioner No. 2 has no criminal antecedents. Learned counsel further submits that the petitioners are willing to abide by any conditions that may be imposed by this Court in the event of their release on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that, while considering the prayer for bail, this Court should take into consideration the fact that Petitioner No. 1 is also an accused in two other criminal cases of a similar nature.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named be released on bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each as mentioned in

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Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned Special Judge Excise-1, Patna, in connection with Phulwari Sharif P.S. Case No. 1219/2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as the following condition :-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide;*

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of bail bonds by the Trial Court itself; and

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance.

7. However, grant of bail to petitioner no.1, namely, Vikash Kumar is subject to payment of Rs.20,000/- before the concerned Excise Court by petitioner no.1 (Vikash Kumar) having two more criminal cases.

(Dr. Anshuman, J)

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