IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74807 of 2026

CNR No. BRHC011046952026

Arising Out of PS. Case No.-163 Year-2026 Thana- MASHRAK District- Saran

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Gaura Nut @ Shailendra Nut @ Shailendra Kumar @ Shailendra Nat S/O Sobha Nut @ Sobha Nat R/O Vill- Korrown,(Sonkouli), P.S. and P.o.- Mashrak, Dist.- Saran 841417

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 20-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 33, 34 and 37 of the Bihar Prohibition and Excise Act and Sections 274, 123, 110, 105, 238, 61(2) and 275 of BNS.

3. The case of the prosecution is that from the house of two co-accused persons, altogether 13 liters of illicit spirit was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of the petitioner. Learned counsel has submitted that he has been framed in this case on the basis of

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secret information that the petitioner is also involved in the trade of illicit liquor along with the alleged co-accused persons. Save and except this, there is nothing against the petitioner. The witnesses of the seizure list are police personnel and police has not complied Section 105 of BNSS while preparing seizure list. Moreover, the petitioner is languishing in judicial custody since 06.09.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that the petitioner is having antecedents of three cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mashrakh P.S. Case No. 163 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra **with a condition that the petitioner shall not indulge himself in similar nature of offences in future.**

(Ashok Kumar Pandey, J)

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