IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76951 of 2026

CNR No. BRHC011099152026

Arising Out of PS. Case No.-733 Year-2026 Thana- MADHAURAH District- Saran

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Guddu Kumar @ Guddu Ray S/O Arjun Rai @ Arjun Ray R/O Village- Mirzapur, Jagan Chapra, P.S.- Marhowrah, Dist- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Aniket Singh, Advocate
For the Opposite Party/s : Mr.Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

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

2. The petitioner seeks regular bail in connection with Marhowrah P.S. Case No. 733 of 2026 lodged on 25.08.2026 under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total recovery of 13.4 litres of country made foreign liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner submits that the alleged recovery has not been made from the conscious physical possession of the

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petitioner. Hence, no case under the Excise Act is made out against the petitioner, but his name has been dragged in the present case only on the basis of disclosure made by the local chaukidar. In fact, the alleged recovery was made from an open place which does not belong to the petitioner. The petitioner is in custody since 26.09.2026 and is accused in four more criminal cases, in which he is on bail. However, the petitioner is willing to abide by any conditions that may be imposed by this Hon'ble Court in the event of his release on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the petitioner is accused in four more criminal cases of similar nature.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail, **subject to payment of Rs.20,000/- before the concerned Excise Court,** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned Exclusive Special Excise Judge-2, Saran at Chapra, in connection with Marhowrah P.S. Case No. 733 of 2026, subject

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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 petitioner who shall provide official document to show his/her *bona fide;*

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

(Dr. Anshuman, J)

Ashwini/-

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