IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77193 of 2026

CNR No. BRHC011101512026

Arising Out of PS. Case No.-722 Year-2026 Thana- Excise P.S. District- Gopalganj

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Mukesh Kumar S/O Shatrudhan Prasad Resident of Village- Vinod Matihaniya, P.S- Vishambharpur, Distt.- Gopalganj.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Adesh Raj Singh, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Excise P.S. Case No. 722 of 2026, registered for the offences punishable under Section 30(a) and 32 of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Allegedly, on the tip-off, the petitioner was apprehended while driving a Mahindra XUV 500, from which 360 litres of illicit country made liquor, packed in 1,800 tetra packs of 200 ml each, were allegedly recovered from 40 cartons kept on the rear seat of the vehicle. The

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petitioner disclosed that the liquor had been brought from Uttar Pradesh for delivery at Banjari Bridge, Gopalganj.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the petitioner is not the owner of the vehicle in question. He is simply a driver of the vehicle and he had no knowledge about the consignement loaded on the vehicle. Nothing was recovered from conscious possession of the petitioner. He has also submitted that during course of the investigation, not a single independent witness came forward to support the prosecution case. It has further been contended that the petitioner has been implicated in the present case due to the high-handedness of the local police. Learned counsel has next submitted that the provisions of Section 103 and 105 of the BNSS have not been complied with. He has further submitted that the petitioner has clean antecedent and, has been in judicial custody since 19.08.2026. He undertakes that the petitioner shall cooperate with the trial and shall not repeat any offence of similar nature.

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5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and circumstances of the case, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court No. II/concerned Court, Gopalganj in connection with Excise P.S. Case No. 722 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below

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shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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