IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77073 of 2026

CNR No. BRHC011115672026

Arising Out of PS. Case No.-31 Year-2026 Thana- NAYAGAON District- Saran

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Bittu Kumar S/O Late Ramjee Rai @ Ramji Ray Resident Of Village- Dumri Bujurg, P.s.- Nayagaon, District- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raushan Raj, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with Nayagaon P.S. Case No. 31 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is a recovery of 12 litres of country made liquor from two plastic bottles and a gallon. The local people and farmers identified the suspect as the petitioner, Bittu Kumar. Subsequently, seizure list was prepared and the case was registered.

4. Learned counsel for the petitioner submits that the

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petitioner is quite innocent, has committed no offence and has falsely been implicated in this case due to his past criminal history. Nothing has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended from the place of occurrence.

5. It is further submitted that the seizure list witnesses are members of the raiding team itself and the seizure list has been prepared in violation of mandatory provisions of law. Lastly, it is stated that no occurrence as alleged in the FIR has ever taken place and the entire prosecution story is false and fabricated.

6. The petitioner is languishing in judicial custody since 13.08.2026 and having four criminal antecedents in which the petitioner is on bail.

7. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive

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Special Excise Judge, Saran at Chapra in connection with Nayagaon P.S. Case No. 31 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) The trial court shall verify the criminal antecedent of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of the bail bonds of the petitioner. However, the acceptance of bail-bond shall not be delayed in name of verification.

(Kumar Manish, J)

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