

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89629 of 2025

Arising Out of PS. Case No.-159 Year-2025 Thana- GAUNAHA District- West Champaran

Niraj Kumar S/O Shambhu Sah R/O Vill.- Narkatiyaganj Purani Bazar, Ward
No. 1, P.s.- Shikarpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-01-2026 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Gaunaha P.S. Case No. 159 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, during patrolling, the police intercepted a Bolero vehicle from which a total of 1,128 litres of foreign liquor was recovered and the petitioner was apprehended at the spot.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely on account of his alleged long list of criminal

antecedents of similar nature. It is contended that the petitioner has been named merely on suspicion and that no incriminating article or illicit liquor has been recovered from his conscious possession. The learned counsel lastly submits that the petitioner carries ten criminal antecedents and he is in custody since 28.10.2025.

5. The petitioner is willing and undertakes to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand only) with the Advocate Association, Patna High Court.

6. The learned A.P.P. has vehemently opposed the prayer for bail.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 28.10.2025, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Gaunaha P.S. Case No. 159 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in

Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, West Champaran within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for

cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Advocate Association, Patna High Court.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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