IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57204 of 2026

Arising Out of PS. Case No.-85 Year-2026 Thana- BALRAMPUR District- Katihar

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1. Ratan Kumar Son of Abhinandan Yadav Resident of Village/Mohalla-Kewatgama, Ward No. 14, P.S.- Kumarkhand, District- Madhepura.
2. Baiju Kumar Paswan Son of Sunil Paswan Resident of Village/Mohalla-Kewatgama, Ward No. 14, P.S.- Kumarkhand, District- Madhepura.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 19-08-2026 Heard learned counsel for the petitioners and learned APP for the State.

02. In the present case, the petitioners seek bail in connection with Balrampur P.S. Case No. 85 of 2026 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

03. As per prosecution case, secret information was received about smuggling of liquor in a white coloured car. The said car was intercepted and the petitioners were found in the car. On search of the car, recovery of 240.88 litres of foreign liquor/beer was made.

04. Learned counsel for the petitioners submits that

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the petitioners are innocent and have been falsely implicated in this case. The petitioners are driver and co-driver of the vehicle from which the recovery has been shown but they have no concern with the seized liquor as they had no knowledge about the articles kept in the dickey of the car. There is non-compliance of Section 103(4) of BNSS and also Section 105 of BNSS. The petitioner no. 1 is having antecedent of one case whereas petitioner no. 2 is having antecedent of three cases and they are on bail in all the cases. The petitioners are in custody since 26.05.2026.

05. Learned APP opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and quantity of recovered liquor, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No. I, Katihar/concerned Court in connection with Balrampur P.S. Case No. 85 of 2026, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

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(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

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

(Arun Kumar Jha, J)

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