

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35690 of 2025**

Arising Out of PS. Case No.-174 Year-2025 Thana- Excise P.S. District- Kishanganj

Roshan Kumar S/o Late Narendra Sharma Resident of Village-Ghoshai, Ward  
No 06, P.S-Chausa, Dist.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Advocate  
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

2      27-05-2025                      Heard the learned counsel for the petitioner and the  
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with  
Kishanganj P.S. Case No. 174 of 2025, registered for the  
offences punishable under Sections 30(a) and 32(3) of Bihar  
Prohibition & Excise Act, 2018. Petitioner has clean antecedent.

3. As per the prosecution case, during the course of  
vehicle checking, a Maruti Suzuki Swift car was intercepted and  
three persons were apprehended who disclosed their names as  
Suman Kumar, Birbal Kumar Raj and Raushan Kumar  
(petitioner). On search, total 78 liters of liquor was recovered  
out of which 54 liters was foreign liquor while 24 liters of  
foreign beer was recovered.

4. The learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this



case only because he happens to be the owner of the said car. The learned counsel further submits that he was not aware of the contents which were being carried in the car. It has lastly been submitted that the petitioner carries clean antecedent and is in custody since 08.04.2025. Learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account that the petitioner has clean antecedent, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bond and thereafter bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Judge Excise-II, Kishanganj, in connection with Kishanganj P.S. Case



No. 174 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(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.

**(Sourendra Pandey, J)**

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