

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2797 of 2026

Arising Out of PS. Case No.-746 Year-2025 Thana- Excise P.S. District- Lakhisarai

1. Sanjiv Kumar Son of Jugesar Yadav @ Jugeshwar Yadav Resident of English Mohalla, P.S. - Lakhisarai, District - Lakhisarai.
2. Santosh Kumar Son of Ajay Saw Resident of English Mohalla, P.S. - Lakhisarai, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Excise
P.S. Case No. 746 C2 of 2025, instituted for the offences
punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that 60 liters of
country made liquor was recovered from motorcycle.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioners. The petitioners have



got no concern with the alleged recovery of liquor. Petitioner No.1 is the owner of motorcycle and petitioner No.2 was pillion rider. At the time of raid, petitioners were not wearing Helmet and on seeing Police they started fleeing due to which they have falsely been implicated in this case. The petitioners are in custody since 13.11.2025. The petitioner No.1 has one criminal antecedent, whereas petitioner no.2 has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 746 C2 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every



date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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