

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5029 of 2026

Arising Out of PS. Case No.-255 Year-2025 Thana- EXCISE KATORIYA District- Banka

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Suraj Kumar Sharma @ Suraj Kumar S/o Chkandradev Sharma Resident of
Village- Chhoti Telaunchh, P.S.- Chautham, District- Khagariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 29-01-2026 Heard Mr. Dipak Kumar, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with

Katoriya Excise P.S. Case No. 255 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 93 liters

liquor was recovered from tempo and the petitioner was arrested

on spot.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner has been arrested only on the basis of suspicion. It is further submitted that the petitioner is not the owner rather he is driver of that vehicle and has got no knowledge with regard to the nature of goods loaded in the vehicle. The petitioner is in custody since 15.12.2025 and has got 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 petitioner.

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

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katoriya Excise P.S. Case No. 255 of 2025, subject to the following conditions:

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



(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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