

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9605 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- GAYA RAIL P.S. District- Gaya

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1. Ajay Kumar Son of Late Surendra Paswan @ Surendra Prasad Resident of village- Dulhinganj Lane, Bata More, P.S-. Kotwali, District- Gaya Bihar
 2. Vikash Kumar Son of Raju Chaudhary Resident Of Village- Ward no. 2, Chotki Delha, Ps- Delha, Dist- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Rail Gaya P.S. Case No. 07 of 2026, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 161.670 liters liquor was recovered from railway track in bags and both the petitioners were arrested on spot.

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. Learned counsel for the petitioners also submitted that the petitioners have got no concern with the alleged bags. It is further submitted that the alleged recovery has been made from unattended bags near railway station and the same is an open place which is easily accessible to the public at large. The petitioners are in custody since 11.01.2026. Petitioner no. 1 has got no criminal antecedent and petitioner no. 2 has got two criminal antecedents in which he is on bail. 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 Rail Gaya P.S. Case No. 07 of 2026, 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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