

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16645 of 2026

Arising Out of PS. Case No.-71 Year-2026 Thana- Excise P.S. District- Patna

Rohit Kumar S/o Late Upendra Shahni Resident of Nabbe Feet, Police
Station- Patrakarnagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2026 Heard Mr. Ravi Shanker Pankaj, learned counsel
for the petitioner and Ms. Sharda Kumari, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.01.2026 in connection with Excise P.S. Case No. 71 of 2026,
F.I.R. dated 05.01.2026 for the offences punishable under
Section 30(a), 41 and 56(b) of the Bihar Prohibition and Excise
Act, 2018.

3. Recovery is of 103.680 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of suspicion. He further
submits that it appears from the F.I.R. as well as seizure list that
nothing has been recovered from the conscious possession of



the petitioner rather the recovery has been made from tempo in question and the petitioner is neither the driver nor the owner of the said tempo. He further submits that there is non-compliance of Section 103 and 105 of BNSS. The petitioner is in custody since 06.01.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended at the place of occurrence and the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances and fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Section 103 and 105 of BNSS, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-III, Patna in connection with Excise P.S. Case No. 71 of 2026, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

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