

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11989 of 2026

Arising Out of PS. Case No.-35 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Prince Kumar S/o Satyendra Singh Resident of Village - Dangarha, P.S - Mejarganj, District - Sitamarhi
2. Anil Kumar S/o Bachhe Lal Sahni Resident of Village - Piprahi Sultanpur, P.S - Barginiya, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bhabhua Excise PS Case No. 35 of 2026 instituted for the offences under Sections 30(a), 32(1)(3) & 41(1)(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 121.560 liters foreign liquor was recovered from car.

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. It is submitted that names of the petitioners have surfaced in this case as being driver and co-driver of the vehicle in question, respectively and they were oblivious of the fact that illicit liquor was laden in the vehicle. The petitioners are in custody since 20.01.2026 and petitioner No.1 bears two criminal antecedents, whereas petitioner No.2 bears one criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. 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 petitioner No.1, namely, Prince Kumar be released on bail, ***after framing of charge, if not already framed*** and petitioner No.2, namely, Anil Kumar be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhabhua Excise PS Case No. 35 of 2026, subject to the following conditions:

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



family of the petitioner No. 1.

(II) The petitioner No.1 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 No. 1.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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