

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16097 of 2026

Arising Out of PS. Case No.-32 Year-2026 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Chandan Kumar S/o Late Sriraj Kumar Sharma @ Late Raj Kumar Sharma Resident of village- Mithapur Indranagar Road No. 09, P.S.- Jakkanpur, District- Patna.
2. Anand Azad S/o Late Tularam Azad R/o vill - Patna Navratanpur, P.S.- Kankarbag, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2026 Heard Mr. Rajani Kant Pandey, learned counsel for the petitioners and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who is in custody since 29.01.2026 in connection with Durgawati P.S. Case No. 32 of 2026, F.I.R. dated 28.01.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 63.735 liters of foreign liquor.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. 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 petitioners rather the recovery has been made from a Hundai Car. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioners are in custody since 29.01.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioner have clean antecedent and there is non-compliance of Section 103 and 105 of BNSS, let the petitioners, 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 Exclusive Judge Excise-II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 32 of 2026, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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