

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16647 of 2026

Arising Out of PS. Case No.-35 Year-2026 Thana- Excise P.S. District- Rohtas

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1. Manu Kumar S/O Ram Dayal Ram @ Ramdayal Gond Village- Rupahatha, P.S.-Amjhore, District- Rohtas
 2. Devnath Ram S/O Late Sohar Ram Village- Rupahatha, P.S.-Amjhore, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2026 Heard Mr. Rajesh Kumar Singh, learned counsel
for the petitioners and Mr. Arun Kumar Singh, learned
Additional Public Prosecutor for the State.

2. Petitioners seeks bail who is in custody since
21.01.2026 in connection with Excise Case No. 173 of 2026,
F.I.R. dated 21.01.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 95 liters of illegal *Chulai* liquor.

4. Learned counsel for the petitioners submits that
petitioners are innocent and they have 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 petitioners rather the recovery has been made from road side. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioners are in custody since 21.01.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 carries one criminal antecedent whereas petitioner no.2 has clean antecedent.

6. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from road side 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 Exclusive Special Judge Excise Court-I, Rohtas, Sasaram in connection with Excise Case No. 173 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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