

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14902 of 2026

Arising Out of PS. Case No.-175 Year-2026 Thana- Excise P.S. District- Kishanganj

1. Sham Sujjoha S/o Md. Masum @ Md. Masoom R/o Village - Sihma, P.O - Bathua Buzurg, P.S - Musrigharari, District - Samastipur
2. Rohit Kumar S/o Shatrudhan Sah R/o Village - Sihma, P.O - Bathua Buzurg, P.S - Musrigharari, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2026 Heard Mr. Anish Kumar, learned counsel for the petitioners and Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 14.02.2026 in connection with Kishanganj Excise P.S. Case No. 175 of 2026 corresponding to Special Case No. 176 of 2026, F.I.R. dated 13.02.2026 for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. Recovery is of 75.270 liters of Indian made foreign liquor.

4. Learned counsel for the petitioners submits that



petitioners are innocent 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 the vehicle in question. He further submits that altogether 75.270 liters of liquor has been recovered from the vehicle in question and petitioner no. 1 is driver and petitioner no. 2 is co-driver of the said vehicle. He further submits that there is non-compliance of Section of 103 of B.N.S.S. The petitioners are in custody since 14.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carries one criminal antecedent other than the present one but fairly submits that they are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) both with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Kishanganj in connection with Kishanganj Excise P.S. Case No. 175 of 2026 corresponding to Special Case No. 176 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 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 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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