

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22698 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- Excise P.S. District- East Champaran

1. Suraj Srivastava S/O Radhe Shyam Srivastawa Resident Of Village- Nigoh, P.s.- Visheshar Ganj, District- Bahraich, U.p.
2. Chhotu Kuraishi S/O Subrati Kuraishi R/O Vill.- Goila, P.S.- Matiyari, Dist.- Lucknow, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Vishal Prasad, learned counsel for the
petitioners and Mr. Rajendra Nath Jha, learned APP for the State.

2. Petitioners seek bail, who are in custody since 15.01.2026, in connection with Excise P.S. Case No. 128 of 2026, F.I.R. dated 14.01.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise (Amended up to date) Act, 2016.

3. Recovery is of 114 litres of Indian made *foreign* liquor.

4. Learned counsel for the petitioner submits that the petitioners have clean antecedents and they have been falsely 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 recovery has been made from the vehicle in question and altogether 144 litres of Indian made foreign liquor was recovered from the vehicle in question. He further submits that from perusal of the seizure list it appears that the seizure list witnesses are Brij Kishore Pandey and Ramyas Singh and they are police personnel and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 15.01.2026.

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

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-2, East Champaran, Motihari in connection with Excise P.S. Case No. 128 of 2026, subject to the following conditions :-

(1) One of the bailors should be the close relative of the petitioners.

(2) 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 bonds shall be cancelled by the Court below.

(3) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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 antecedents, 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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