

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21402 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- Excise P.S. District- Aurangabad

Rohit Kumar S/O Umesh Yadav Resident of Village- Karma Chakha, P.S.-
Aurangabad (Muffasil), District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2026 Heard Mr.Binod Kumar Pandey, learned counsel for
the petitioner and Mr.Sanjay Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.01.2026 in connection with Aurangabad Excise P.S. Case
No.77 of 2026, F.I.R. dated 20.01.2026 registered for the
offence punishable under Sections 30(a), 32(3) of Bihar
Prohibition and Excise Act.

3. Recovery is of 222 liters of illicit country made
liquor.

4. Learned counsel appearing for the petitioner
submits that it appears from the FIR as well as the seizure list
that altogether 222 liters of different kind of liquor was
recovered from the Tempo in question, nothing has been
recovered from conscious possession of the petitioner and



petitioner has been made accused in the present case merely on the ground that he was standing near the place of occurrence and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and co-accused person, namely, Ranjan Kumar and Anr., who were apprehended alongwith the petitioner, have been granted bail by this Court vide order dated 11.03.2026 passed in Cr. Misc. No.16056 of 2026 and the petitioner is in custody since 20.01.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, 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 learned Special Judge, Excise-II, Aurangabad in connection with Aurangabad Excise P.S. Case No.77 of 2026, with the following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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