

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22354 of 2026**

Arising Out of PS. Case No.-22 Year-2026 Thana- KUTUMBA District- Aurangabad

Rohit Kumar Son of Sohan Singh Resident of Village- Erka, P.S.- Kutumba,  
District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bindeshwar Prasad Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      06-04-2026                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.01.2026 in connection with Kutumba P.S. Case No. 22 of 2026 for the offence punishable under Section 30(a) of Bihar Liquor Prohibition and Excise Amendment Act, 2022.

3. The prosecution case in brief is that one Miku Kumar, S.I police Kutumba gave himself statement before officer in Charge Kutumba Police Station on 28.1.2026 alleging therein that the alleged date of occurrence at 10.30 hours he was on Gusty Duty along with his police party then at 12.20 hours received secret information that liquor is being transported by tempu to the village Chakwa and hidden the said liquor in the field of Sanjay Singh under paddy straw then the said



information he along with his police party reached there and saw that a tempu was parked in the field and said to have seeing the police party ,two persons got down from Tempo and started running away. There after with help of police the said two persons were apprehended who disclosed their name Rohit Kumar and prince Kumar and on search said to have 194.7 litters illicit country made liquor was recovered in the field from straw lying in the field of Sanjay Singh. Thereafter seizure list has prepared.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. Learned counsel for the petitioner submits that it appears from the FIR that altogether 194.7 litters illicit country made liquor was recovered from the field of Sanjay Singh and petitioner has been made an accused on the basis of suspicion and there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 29.01.2026.

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

6. Considering the aforesaid facts and circumstances that petitioner is a person with clean antecedent and the fact that



nothing has been recovered from the possession of the petitioner and the recovery has been made from the field of Sanjay Singh and there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 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 the learned District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.-1, Aurangabad in connection with Kutumba P.S. Case No. 22 of 2026, subject to 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 absence on two consecutive dates without sufficient reason, his 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)**

Gaurav Sinha/-

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