

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25753 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- AWTARNAGAR District- Saran

1. Rahul Kumar S/o Gopal Ray R/o Village - Sabalpur, P.S - Sonapur, District - Saran
2. Ankit Kumar S/o Suchit Ray R/o Village - Sabalpur, P.S - Sonapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 12-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection with Awtar Nagar P.S. Case No. 109 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. The case of the prosecution, in short, is that from a car, altogether 69.12 liters of illicit foreign liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this



case. He further submits that petitioner no. 1 was merely the driver of the said car, whereas petitioner no. 2 was only a passenger therein. It is further submitted that nothing has been recovered from the possession of either of the petitioners. The witnesses to the seizure list are police personnel, and the police have not complied with Section 105 of the BNSS while effecting the seizure. Learned counsel further submits that the said car does not belong to the petitioners and that the vehicle had been handed over to them by its owner. Moreover, the petitioners are languishing in judicial custody since 13.03.2026.

5. The application for bail is opposed by learned APP for the State and submits that petitioner no. 2 has got no criminal antecedent whereas petitioner no. 1 has criminal antecedent of one case and in the said case, he has already been acquitted.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Excise Court, Saran at Chapra in



connection with Awtar Nagar P.S. Case No. 109 of 2026.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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