

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29508 of 2026

Arising Out of PS. Case No.-64 Year-2026 Thana- Excise P.S. District- Saran

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1. Avinash Bharti son of Kauleshwar Bharti Resident of village- Shiuri Mathiya Ps- Rasulpur Dist- Saran at Chapra
 2. Suraj Kumar yadav Son of Rajkumar Yadav Resident of Village- Laubari Ps- Chainpur Dist- siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr. Chandra Mohan Jha, learned counsel
for the petitioners and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since
10.03.2026 in connection with Sadar Excise Saran P.S. Case No.
64 of 2026, F.I.R. dated 09.03.2026 for the offences punishable
under Section 30(a), 32(3) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 259.20 liters of 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 vehicle in question and petitioners are not the owner of the vehicle in question. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioners are in custody since 10.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.2 carries one criminal antecedent and petitioner no.1 has clean antecedent.

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) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Sadar Excise Saran P.S. Case No. 64 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 tamper 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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