

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30739 of 2026

Arising Out of PS. Case No.-40 Year-2026 Thana- BIHPUR District- Bhagalpur

Saurav Kumar S/O Rajesh Kumar Choudhary Resident of village- Jairampur,
P.S- Jhandapur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the State : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Sunil Kumar Singh, learned counsel for the

petitioner and Mr. Md. Iftekhar Mahmood, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
03.03.2026, in connection with Bihpur P.S. Case No. 40 of 2026,
F.I.R. dated 03.03.2026 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition & Excise
(Amendment) Act 2022.

3. Recovery is of 264.375 litres of *country made foreign*
liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has 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 petitioner rather recovery has been made from the Sachita Sharma's Litchi orchard located at Amarpur Bahiyar and petitioner has been made accused merely on the basis of suspicion and except the suspicion, nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person, namely, Ranjan Yadav whose name has been transpired on the basis of disclosure made by local choukidar has been granted bail by this Court vide order dated 15.04.2026 passed in Cr. Misc. No. 24374 of 2026 and the petitioner is in custody since 03.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended from the place of occurrence and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and co-accused person has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Judge 1st, Bhagalpur (Camp Court at Naugachia), Bhagalpur in connection with Bihpur P.S. Case No. 40 of 2026, subject to the following conditions :-

(1) 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.

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

(3) 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 antecedents, 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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