

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30578 of 2026

Arising Out of PS. Case No.-105 Year-2026 Thana- NAUTAN District- Siwan

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1. Sahebjan Thakur S/o Jamadar Miyan R/o Imalawali, P.S.- Mairwa, District- Siwan.
 2. Suraj Kumar Rajbhar @ Suraj Kumar S/o Budhan Rajbhar R/o Imalawali, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2026 Heard Mr. Raghav Prasad, learned counsel for the
petitioners and Mr. Sanjay Kumar Sharma, learned Additional
Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since
29.03.2026 in connection with Nautan P.S. Case No. 105 of
2026, F.I.R. dated 29.03.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 144.00 liters of country liquor.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent 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 motorcycle in question and petitioners are not the owners of the motorcycle in question. He further submits that seizure list witness are police personnel and there is non-compliance of Section 103 and 105 of BNSS and the petitioners are in custody since 29.03.2026.

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

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 Exclusive Special Excise Court No.II, Siwan in connection with Nautan P.S. Case No. 105 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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