

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30489 of 2026

Arising Out of PS. Case No.-61 Year-2026 Thana- Roshna District- Katihar

Roshan Kumar S/O Chhabo Sahni Resident of Village- Tahlha, Police Station-
Beldaur, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.03.2026 in connection with Roshna P.S. Case No. 61 of 2026
for the offences punishable under Sections 30(a), 41, 47 of
Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution, in brief, is that
Ganesh Prasad Yadav A.S.I. recorded his written statement
alleging inter alia thereby that on 21.03.2026 at about 9.20 A.M.
the informant received an information that a Bolero bearing
Registration No. BR11H-2918 is coming from West Bengal is
carrying liquor, on this information, the informant reached there
and saw that a Bolero was coming towards him recklessly who
was asked to stop but he tried to flee away but was apprehended



and on enquiry the person named himself as Roshan Kumar, on search a total recovery of 139.860 litres of foreign liquor was recovered from the aforesaid Bolero. Accordingly a seizure list was prepared.

4. Learned counsel for the petitioner submits petitioner has clean antecedent and it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. It is next submitted that altogether 139.860 litres of foreign liquor was recovered from the vehicle in question. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 22.03.2026.

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

6. Considering the aforesaid facts and circumstances, 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, Exclusive Special Excise Court-



II, Katihar in connection with Roshna P.S. Case No. 61 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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