

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31150 of 2026**

Arising Out of PS. Case No.-208 Year-2026 Thana- KOCHADHAMAN District- Kishanganj

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Rohit Choudhary son of Kailash Choudhary Resident of Ruidhasa, ward no.  
23, P.s. -Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the State : Mr. Md. Iftekhar Mahmood, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      08-05-2026                      Heard Mr. Raj Kumar, learned counsel for the  
  
petitioner and Md. Iftekhar Mahmood, learned APP for the  
  
State.

2. Petitioner seeks bail, who is in custody since  
13.04.2026, in connection with Special Case No. 127 of 2026  
arising out of Kochadhaman P.S. Case No. 208 of 2026, F.I.R.  
dated 13.04.2026 registered for the offences punishable under  
Sections 30(a) of the Bihar Prohibition & Excise Amendment  
Act, 2016.

3. Recovery is of 264.28 litres of *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 made from the



conscious possession of the petitioner rather recovery has been made from the vehicle in question and altogether 264.28 litres of foreign liquor was recovered from the vehicle in question and petitioner is not the owner of the vehicle in question. The petitioner is in custody since 13.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases 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 matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner, 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 Judge (Excise-I), Kishanganj in connection with Special Case No. 127 of 2026 arising out of Kochadhaman P.S. Case No. 208 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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