

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32766 of 2026

Arising Out of PS. Case No.-138 Year-2026 Thana- ISUAPUR District- Saran

Ajay Baitha S/o Late Mohan Baitha Resident of Village- Ramchaura, P.S.-
Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Shambhawi, Advocate Ms.Mili Kumari, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Ms.Shambhawi, learned counsel for the

petitioner and Mr.Sanjay Kumar Sharma, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
21.04.2026 in connection with Isuapur P.S. Case No. 138 of
2026, F.I.R. dated 19.04.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Recovery is of 20 liters of illicit spirit liquor.

4. Learned counsel appearing for the petitioner
submits that it appears from the FIR as well as the seizure list
that the recovery has been made from the Bamboo clumps and
petitioner has no role at all in the present occurrence and the



seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of B.N.S.S., 2023 and the petitioner is in custody since 21.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the recovery has been made from the possession of the petitioner, apart from that, the petitioner carries one more case other than the present one of similar nature but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Isuapur P.S. Case No. 138 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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