

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33513 of 2026

Arising Out of PS. Case No.-206 Year-2026 Thana- CHIRAIYA District- East Champaran

Mojaffar Alam S/o Manzoor Dewan @ Manjur Devan Resident of Village -
Motnaje, P.S. - Chiraiya, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Manoj Kumar, learned counsel for the
petitioner and Mr. Prem Kumar Jha, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
03.04.2026, in connection with Chiraiya P.S. Case No. 206 of
2026, F.I.R. dated 02.04.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act.

3. Recovery is of 129.9 litres of *Nepali Kasturi* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent 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 near the Urdu School



and altogether 129.9 Litres of Nepali Kasturi liquor was recovered from the place of occurrence and petitioner has been made accused in the present case merely on the basis of suspicion and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. It appears from the seizure list that the seizure list witnesses are Bihar Home Guard personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 03.04.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and 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 Excise Court-I, East Champaran, Motihari, in connection with Chiraiya P.S. Case No. 206 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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