

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36371 of 2026

Arising Out of PS. Case No.-197 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

Prem Raj Sharma S/o Surendra Sharma Resident of Village - Azad Nagar,
Ward No. 2, Bhabhua, P.S - Bhabhua, District - Kaimur Bhabhua, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 10-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 30(a), 32(1)(3) and 41(1) (2) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 114 litres of beer has been recovered from dicky of Swift Dezire Car.

4. Learned counsel for the petitioner submits that the petitioner was merely driver of the said car, he has no knowledge about the presence of liquor in the vehicle. There is no independent witness to the search and seizure, as such, mandatory provisions have been violated. There is no recovery from personal or conscious possession of the petitioner. The



petitioner has clean antecedent and is in custody since 25.04.2026.

5. Learned APP for the State opposed the grant of bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the fact that the mandatory provisions of search and seizure has been violated and the petitioner has clean antecedent, let the above named petitioner, 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 the learned Exclusive Special Judge (Excise-II), Kaimur at Bhabhua/concerned Court below in connection with Bhabhua P.S. Case No. 197 of 2026.

(Soni Shrivastava, J)

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