

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36178 of 2026

Arising Out of PS. Case No.-123 Year-2026 Thana- ISUAPUR District- Saran

Rajesh Kushwaha @ Rajesh Bhagat S/o Bhikhari Mahto @ Bikhari Mahto
Resident of Village- Gangoi, P.S.- Isuapur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 09-06-2026 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 Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, 64.08 litres of illicit
foreign liquor and a motorcycle were recovered from the spot
which was behind the shop of the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is not the owner of the seized motorcycle and no
recovery has been made from his personal or conscious
possession. The recovery has been made from an open place
which is easily accessible to others. There is no independent
witness to search and seizure. The petitioner is in custody since
29.04.2026.



5. Learned APP for the State opposed the grant of bail on the ground that the petitioner has one criminal antecedent of similar nature. However, in response it has been submitted that the petitioner is on bail in the said case.

6. Taking into consideration the facts and circumstances of the case, 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 3rd Exclusive Special Excise Court, Saran at Chapra/concerned Court below in connection with Isuapur P.S. Case No. 123 of 2026 subject to condition that:-

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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