

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37618 of 2026

Arising Out of PS. Case No.-116 Year-2026 Thana- Excise P.S. District- Saharsa

Sanjay Kumar Son of Sitaram Yadav Resident of Mohalla- Naya Bazar, Ward
No. 12, Saharsa, P.S.- Saharsa Sadar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Amarnath Jha, learned counsel for the

petitioner and Mr. Madan Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.03.2026 in connection with Saharsa Excise P.S. Case No. 116
of 2026, F.I.R. dated 14.03.2026 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. Recovery is of 22.290 liters of illicit foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of suspicion. 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 the recovery has been made from bags in question and which was recovered from the place of occurrence. He further submits that seizure list witnesses are RPF personnel so there is non-compliance of Section 103 and 105 of BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one of similar nature but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Judge (Excise)-I, Saharsa in connection with Saharsa Excise P.S. Case No. 116 of 2026, subject to 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 absence on two consecutive dates without sufficient reason, his 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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