

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36604 of 2026**

Arising Out of PS. Case No.-229 Year-2026 Thana- AURANGABAD TOWN District-  
Aurangabad

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Babu @ Mukesh Kumar S/O Sarju Prasad @ Saryu Prasad Gupta Resident of  
Mohalla- Shahpur Akhanda, P.S.- Town, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate  
For the State : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      16-06-2026                      Heard Mr. Ashok Kumar Singh, learned counsel  
  
for the petitioner and Mr. Bhanu Pratap Singh, learned  
  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
24.04.2026 in connection with Aurangabad Town P.S. Case No.  
229 of 2026, F.I.R. dated 05.04.2026 for the offences punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

3. Recovery is of 68.5 liters of country made liquor.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been 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 or from the house of the petitioner rather the recovery has been made from house of co-accused, Maina Choudhary and name of the petitioner has been transpired in this case merely on the basis of disclosure made by co-accused, Birendra Choudhary and Manisha Kumari and except the disclosure made by co-accused persons, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 24.04.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries fourteen 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 nine cases and rest cases are pending for consideration before competent court of law.

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 District and Additional Sessions Judge-cum-Exclusive Special Judge,



Excise Court No.1, Aurangabad in connection with Aurangabad Town P.S. Case No. 229 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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