

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37557 of 2026

Arising Out of PS. Case No.-347 Year-2026 Thana- Excise P.S. District- Aurangabad

1. Rahul Kumar Son of Krishna Paswan Resident of Village- Mahuar Khaira, P.S.- Barun, District- Aurangabad.
2. Sanjit Kumar @ Sanjit Kumar Paswan Son of Lakshmi Paswan Resident of Village- Magurahi, P.S.- Risiup, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Ms. Mukul Kumari, learned counsel for the petitioners and Mr. Arun Kumar, learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 03.04.2026 in connection with Excise P.S. Case No. 347 of 2026, F.I.R. dated 03.04.2026 for the offences punishable under Section 30(a), 30(c), 30(d) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 150.8 litres of country made liquor, 35 litres of spirit, 500 empty bottles, 500 caps, 1000 piece wrappers of country made liquor, 25 sheets and 1120 stickers kept in a bag and a punching machine.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. She 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 petitioners. She next submits that seizure list witnesses are Bihar homeguard personnel and excise constable so there is non-compliance of Section 103 and 105 of BNSS and the petitioners are in custody since 03.04.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 has one criminal antecedent but fairly submits that he is on bail in the said case and petitioner no.1 has clean antecedent.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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 Special Judge, Excise-II, Aurangabad in connection with Excise P.S. Case No. 347 of 2026, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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