

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39824 of 2026

Arising Out of PS. Case No.-193 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Rohit Kumar @ Rohit Son of Ramnath Resident of Village- Aughali, P.S.- Dehat Kotwali, District- Mirzapur (U.P.).
2. Aakash Chauhan Son of Chavi Ram @ Chaviram Singh Chauhan Resident of Village- Aughali, P.S.- Dehat Kotwali, District- Mirzapur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr.Sarfraz Ahmad, learned counsel for the petitioners and Mr.Parmanand Prasad, learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 21.04.2026 in connection with Excise P.S. Case No. 193 of 2026, F.I.R. dated 21.04.2026 registered for the offence punishable under Sections 30(a),32(1) & (iii),41(i) & (ii) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Recovery is of 480.000 liters of illicit liquor/beer.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. From a bare perusal of the FIR it appears that the recovery has been made



from the vehicle in question and petitioners have been made accused in the present case merely on the ground that petitioner No.1 is driver and petitioner No.2 is co-driver of the vehicle in question and they have no concern at all with the alleged recovery of illicit liquor/beer and altogether 480.000 liters of illicit liquor/beer was recovered from the vehicle in question and the petitioners are in custody since 21.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, petitioners have clean antecedent, nothing has been recovered from conscious possession of the petitioners and petitioners are not the owner of the vehicle in question, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II, Kaimur at Bhabhua in connection with Excise P.S. Case No. 193 of 2026, with the following conditions:-

(I) One of the bailors shall be the close relative (Father/Mother) of the petitioners.

(II) 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.

(III) 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.

(IV) 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 antecedents, 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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