

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38089 of 2026

Arising Out of PS. Case No.-342 Year-2021 Thana- KHAIRA District- Saran

Saroj Rai Son of Radha Rai @ Radha Ray Resident of Village - Pakari
Mahammad, Police Station - Amnour, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel for the petitioner and Mr. Ajay Kumar No. 2, learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
17.05.2026, in connection with Khaira P.S. Case No. 342 of
2021, F.I.R. dated 03.10.2021 registered for the offences
punishable under Sections 30, 30(a)/41(1) of the Bihar
Prohibition & Excise Act.

3. Recovery is of 211.500 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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



rather recovery has been made from the vehicles in question and petitioner has been made accused merely on the ground that the petitioner is the owner of one of the vehicle namely Alto Car bearing Registration No. BR31S-5208 and the petitioner was not apprehended at the place of occurrence. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 17.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, 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 learned Exclusive Excise Court No. 03, Saran (Chapra) in connection with Khaira P.S. Case No. 342 of 2021, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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