

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39831 of 2026

Arising Out of PS. Case No.-181 Year-2026 Thana- Excise P.S. District- Jehanabad

Diwakar Kumar Son of Late Prabhat Singh Resident of village- Nimari
(Nimri), Ps- Koch, Dist- Gayaji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr.Anil Kumar Singh, learned counsel for
the petitioner and Mr.Tarkeshwar Nath Thakur, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since
05.04.2026 in connection with Jehanabad Excise P.S. Case No.
181 of 2026, F.I.R. dated 04.04.2026 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

3. Recovery is of 1237.265 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that from a bare perusal of the FIR as well as the
seizure list that the recovery has been made from the Truck in
question and petitioner has been made accused in the present
case merely on the ground that the petitioner is driver of the



Truck in question and nothing has been recovered from conscious possession of the petitioner and petitioner has been made accused in the present case merely on the basis of suspicion and petitioner is not the owner of the vehicle in question and the petitioner is in custody since 05.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one of similar nature, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, recovery has been made from the Truck in question and petitioner is not the owner of the Truck in question, 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 learned Special Excise Court No.-1, Jehanabad in connection with Jehanabad Excise P.S. Case No. 181 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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