

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38818 of 2026

Arising Out of PS. Case No.-398 Year-2026 Thana- Excise P.S. District- Aurangabad

Rahul Kumar S/o Umesh Yadav Resident of village- Karma Road Pakaha,
P.S- Muffasil, dist- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard Mr.Abhishek Kumar, learned counsel for the
petitioner and Ms.Anita Kumari, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 19.04.2026 in connection with Excise P.S. Case No. 398 of 2026, F.I.R. dated 18.04.2026 registered for the offence punishable under Sections 30(a),32(3) of Bihar Prohibition and Excise Amendment Act.

3. Recovery is of 112.500 liters of country made liquor.

4. Learned counsel appearing for the petitioner submits that from a bare perusal of the FIR it appears that altogether 112.500 liters of country made liquor was recovered from the Tempo in question and petitioner was apprehended with the illicit liquor. Learned counsel for the petitioner submits



that the petitioner has falsely been implicated in the present case. Petitioner is not the owner of the vehicle in question. Petitioner is driver of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor. It appears from the FIR as well as the seizure list that the seizure list witnesses are Bihar Home Guard personnel, so there is non-compliance of the Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 19.04.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 Judge, Excise-II, Aurangabad, Bihar in connection with Excise P.S. Case No. 398 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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