

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40886 of 2026

Arising Out of PS. Case No.-559 Year-2026 Thana- SONEPUR District- Saran

1. Rajesh Kumar Rai S/o Late Jagarnath Rai @ Late Jagnarayan Rai Resident of village - Pahaari Chak, Mahi Kinara, P.S - Sonapur, District - Saran
2. Prabhat Kumar Dubey S/o Gauri Shankar Dubey R/o Village - Behuna, P.S - Bethu, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who is in custody since 23.05.2026 in connection with Sonapur P.S. Case No. 559 of 2026 for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. The case of the prosecution, That the prosecution story is brief is that informant on 22.05.2026 at 22:00 hrs during course of vehicle checking received secret information that some accused persons were carrying huge quantity of liquor for selling the same. After receiving the information at about 12:30 o'clock at night. Informant reached near the Railway Demu road



and seeing the police some persons started fleeing away. Two persons were apprehended namely 1. Rajesh Kumar Rai and 2. Prabhat Kumar Dubey and one person fled away. Seeing the police proceeding local persons gathered there. Informant requested to the local persons to be witness of the occurrence but nobody agreed be witness. Considering police personnel's as independent witness search was conducted. A black color bag kept on scooty, from which 13 piece of liquor containing 750 ml each was recovered and 13 piece of liquor was also recovered from a back pack hanged by Rajesh Kumar Rai. One Black color TVS Jupiter bearing Reg no BR01JR-8294 was also recovered. Thereafter seizure list was prepared. On enquiry about the person who fled away, they disclosed the name of Abhay Kumar and scotty also belonged to him.

4. Learned counsel for the petitioner submits that petitioners submits that petitioners have falsely been implicated in the present case. It is next submitted that it appears from the FIR and seizure list that recovery has been made from a scooty and petitioners are not the owner of the scooty in question and the owner of the scooty is one Abhay Kumar and altogether 19.5 liters of country made liquor was recovered. Learned counsel for the petitioners next submits that it appears from the FIR that



the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioners are in custody since 23.05.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioners and submits that recovery has been made from the possession of the petitioners. Apart from that petitioners have antecedent of one case other than the present case but fairly submits that petitioners are on bail in the pending matter.

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 2nd Exclusive Special Excise, Saran at Chapra in connection with Sonapur P.S. Case No. 559 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 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 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)

Gaurav Sinha/-

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