

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41582 of 2026

Arising Out of PS. Case No.-69 Year-2026 Thana- CHERKI District- Gaya

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Rohit Kumar S/o Ram Pravesh Yadav @ Ram Prawesh Yadav R/o village-
Kachauri, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Vinod Kumar, learned counsel for the

petitioner and Mr. Madan Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
05.05.2026, in connection with Cherki P.S. Case No. 69 of
2026, F.I.R. dated 04.05.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2022.

3. Recovery is of 59.625 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. From perusal of the F.I.R., it
appears that altogether 59.625 litres of foreign liquor was
recovered from the motorcycle in question and petitioner has
been made accused in the present case merely on the ground



that the petitioner is the owner of the motorcycle in question. He further submits that 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 05.05.2026.

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 there is non-compliance of Sections 103 and 105 of the BNSS, 2023 as well as recovery has been made from the motorcycle in question, 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 Special Judge Excise-1, Gaya Jee in connection with Cherki P.S. Case No. 69 of 2026, 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 her absence on two consecutive dates without sufficient



reason, her 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 her 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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